

MASSAGE NEWS

SPRING 2014

A Publication of the
**Maryland Board of Chiropractic & Massage
Therapy Examiners**

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SCHEDULE OF THE REMAINING 2014 MEETINGS

*BOARD MEETINGS

JUNE 12
JULY 10
AUGUST 14
SEPTEMBER 11
OCTOBER 9
NOVEMBER 13
DECEMBER 11

MASSAGE THERAPY JP EXAMINATIONS

APRIL 21
MAY 19
JUNE 23
JULY 21
AUGUST 18
SEPTEMBER 22
NO EXAM OCTOBER 2014 -
RENEWALS

SUMMARY OF RECENT REVISIONS TO THE BOARD MASSAGE THERAPY REGULATIONS – ADOPTED JANUARY 6, 2014

On January 6, 2014, the DHMH and Board of Chiropractic and Massage Therapy Examiners adopted newly revised regulations, found in the Code of Maryland Regulations (“COMAR”), title 10, subsection 43. This was the result of a 2 year review initiative that included several public meetings and notifications. **The entire regulation package has been published on our website at www.mdmassage.org or www.dhmh.maryland.gov/massage. All license and registration holders should review these new provisions. PLEASE NOTE THAT THESE REVISIONS ARE IN FULL FORCE AND EFFECT AND ALL LICENSEES AND REGISTRATION HOLDERS MUST BE IN FULL COMPLIANCE.**

The following is a summary of those significant revisions affecting licensed massage therapists (LMTs) and registered massage practitioners (RMPs) in Maryland:

Licensure/Registration Requirements:

- Individuals who are licensed or registered to practice massage therapy in another state and are seeking to practice massage therapy in Maryland for not more than seven consecutive days or a total of thirty days during a period of one year must – *formally petition and receive approval from the Board before doing so.* [COMAR 10.43.17.03B].

Professional Boundaries/Ethics:

- A “sexually exploitative relationship” and “therapeutic deception” are now defined to include an instructor-student relationship [COMAR 10.43.18.02B(4)-(5), COMAR 10.43.18.05B(1)].
- A license or registration holder must maintain professional boundaries even when a *client, staff member, or student* initiates crossing those boundaries [COMAR 10.43.18.05A].

Recordkeeping:

- License and registration holders shall maintain accurate, legible and organized client records for every client, regardless of the procedure or modality employed [COMAR 10.43.21.01A].
- Sufficient information to be obtained and recorded shall include, at a minimum: (1) Name, address, and other appropriate contact information; (2) Summarized client history; (3) Summarized reason for appointment or referral, including referral documentation, including forwarded reports and correspondence, if applicable; (4) Billing and insurance documentation, if applicable; (5) Massage session summary in standard SOAP format, or it’s equivalent, which includes, at a minimum: (a) initial client assessment, including contraindications noted; (b) summarized therapy plan; and (c) progress notes, reflecting summary of techniques used and response to techniques. [COMAR 10.43.21.01B].

- A license or registration holder shall keep all client files secure and confidential. [COMAR 10.43.21.02A].
- Client files are the property of the: (1) license or registration holder when working as a sole proprietor or independent contractor; and (2) practice owner's, if the practitioner is an employee. [COMAR 10.43.21.02B].
- Client files shall be released in a timely manner when authorized by the client in writing or compelled by law or regulation. [COMAR 10.43.21.02C].
- The license or registration holder may assess fees for duplicating client records for the patient or for another health care provider. [COMAR 10.43.21.02D].



***CEU CHANGES**

PLEASE BE ADVISED THAT THESE CEU CHANGES WILL BE APPLICABLE TO THE UPCOMING 2014 MESSAGE THERAPY BIENNIAL LICENSE/REGISTRATION RENEWAL AS SPECIFIED IN THE NOTIFICATION LETTER SENT OUT JANUARY 8, 2014 TO ALL LICENSEES AND REGISTRATION HOLDERS.

- A “Pre-Approved Provider” of massage therapy continuing education courses is no longer required to submit an application for approval to the Board provided their programs cover one or more of the specified list of subjects. [COMAR 10.43.20.02].
- By October of each renewal year, beginning in October, 2004, license and registration holders shall satisfactorily complete a minimum of 24 hours within the previous 24 months as follows:
 - ◆ (1) **3 Hours in Professional Ethics or Jurisprudence;**
 - ◆ (2) **3 Hours in Communicable Diseases education including AIDS/HIV;**
 - ◆ (3) **17 Hours in massage-related courses as approved by the Board; and**
 - ◆ (4) **1 Hour in Diversity or Cultural Competency. ***



2014 Legislative Session—House Bill 401, Health & Governmental Operations

During the 2014 Legislative Session, the Maryland Legislature passed House Bill 401. This Bill was passed to combat the proliferation of applicants with criminal history records in jurisdictions outside of Maryland.

Currently, applications for licensure and registrations include questions regarding past disciplinary actions, such as whether the applicant has ever been denied an application, had any disciplinary action taken against him or her by any state licensing or disciplinary board, or had any investigation or charge brought against him or her. In addition, applications ask if the applicant has ever pled guilty, pled *nolo contendere*, been convicted, or received probation before judgment for any criminal act. If the Board determines that an applicant has made incomplete or false statements about criminal or disciplinary actions, the Board may pursue disciplinary action for fraudulently or deceptively trying to obtain or attempting to obtain a license or registration.

With regard to House Bill 401—Health and Governmental Operations; this law will become effective October 1, 2014 and implementing regulations are currently being developed. Some critical factors that applicants, schools and associations should be aware of are that applicants which are required to have a Criminal History Records Check (CHRC) will have to apply to the Criminal Justice Information System (CJIS) for both a State and national CHRC. An applicant will then submit two sets of fingerprints taken on the required forms, submit the criminal history fee, and the processing fee required by the Federal Bureau of Investigation (FBI). CJIS then must forward to the Board and to the applicant; the criminal history record information of the applicant. Information obtained from CJIS will be confidential, may not be re-disseminated and will be used for licensing and registering purposes only. Additional cost per applicant is estimated \$50-\$60.

This program will NOT apply in any manner to chiropractic and massage therapy renewals at this time. Only to NEW applicants. The Board will be issuing further details on the implementation of the program. Questions should be addressed to Michelle Czarnecki, JD, Board Regulatory Compliance Manager at 410-764-3922 or michelle.czarnecki@maryland.gov.



2014 Legislative Session—House Bill 1157

Number: MD [R] HB 1157 - Updated (Text 05/21/2014)

Sponsor: Hubbard

Title: [Health Occupations - Massage Therapy - Authority to Practice](#)

Abstract: Requiring an individual to be registered by the State Board of Chiropractic and Massage Therapy Examiners before the individual may practice massage therapy in a specified setting; altering the number of hours and specified educational requirements an applicant for a specified license or registration must complete to qualify for a license or registration; etc.

Status: [Approved by the Governor - Chapter 643 \(Post Passage\) - 05/15/2014](#)

MD Board Notes:

HB1157 was passed by the MD Legislature and signed into law by the Governor; it is effective on October 1, 2014. This was not a Board initiated Bill. The Board preferred and supported through its testimony the elimination of the two-tier system of Licensees (LMTs) and Registrants (RMPs). The Bill was initiated by factions of the massage professions. You may wish to contact your respective massage professional organization to obtain information on their support of HB 1157 and its genesis as this Bill was not initiated by the Board.

The following is a very general summary of the Bill. The Board will be tasked with drafting regulations and it is anticipated that open sessions will be conducted to obtain public input. Notices will be placed on the Board website at www.mdmassage.org as updated information becomes available.

General Important Bill Provisions:

1. Mandatory hours of education increased from 500 to 600 for both LMT and RMP candidates;
2. Kinesiology added to required school curriculums;
3. For LMT status, candidates must satisfactorily complete minimum of 60 credit hours of higher education of which at least 24 must be in basic health/applied sciences relating to healthcare; or
4. minimum of 60 credit hours of higher education and at least 24 CEU hours of "advanced massage therapy continuing education".



DISCIPLINARY CASE SUMMARIES

FORMAL AND INFORMAL SANCTIONS

(Note: Only formal public sanctions permit the release of the Respondent's identity)

FORMAL PUBLIC ORDERS

- **STEVEN HORWITZ, DC, 10/10/13: Formal Consent Order**; Reprimand with fine of \$5,000; Probation for one year; Completion of Board-approved ethics, professional boundaries, and recordkeeping courses: Unprofessional conduct by practicing chiropractic with an unauthorized person; recordkeeping violations; violations of regulations.
- **DHANUSHKA GAMAGE, RMP, 12/12/2013: Formal Revocation of Registration**: Inappropriate illicit sexual activity under the guise of massage therapy; Conviction for 4th Degree Sexual Offense.
- **ANDRY MARUSICH, MASSAGE APPLICANT, 12/3/13: Final Order of Denial of Application to Practice Massage Therapy**: Failure to meet prerequisite of good moral character to practice in the State of Maryland; Conviction for practicing massage therapy without a license; Fraudulently or deceptively attempting to obtain a license or registration.
- **DERRICK TURNER, RMP, 10/15/13: Order of Registration Suspension for Delinquent Child Support: Suspension of registration** to practice massage therapy pursuant to Md. Code Ann., Fam. Law, §10-119(e)(2)(i) for delinquent child support.
- **JASON CAVINESS, RMP, 3/1/14: Order of Registration Suspension for Delinquent Child Support: Suspension of registration** to practice massage therapy pursuant to Md. Code Ann., Fam. Law, §10-119(e)(2)(i) for delinquent child support.
- **DWAYNE HAYNES, RMP, 3/1/14: Order of Registration Suspension for Delinquent Child Support: Suspension of registration** to practice massage therapy pursuant to Md. Code Ann., Family Law, §10-119(e)(2)(i) for delinquent child support.
- **MICHELLE ARONHALT, APPLICANT, 1/13/14: Final Order of Denial of Application to Practice Massage Therapy**: Failure to meet prerequisite of good moral character to practice in the State of Maryland for practicing massage therapy without a current, valid registration; Unprofessional behavior.
- **BRIAN SURGUY, APPLICANT, 1/15/14: Final Order of Denial of Application for Chiropractic Assistant Registration**: Failure to meet prerequisite of good moral character to practice in the State of Maryland; Unprofessional conduct; Fraudulently or deceptively attempting to obtain a license or registration by failing to disclose criminal history; Conviction for a crime of moral turpitude (Theft Less than \$1,000, 2nd Degree Assault).
- **KRISTY KECK, LMT APPLICANT, 4/14/14: Formal Reprimand, \$250.00 fine, ethics course**. Practicing without a license pending application.

INFORMAL (NON-PUBLIC—ADMINISTRATIVE) ACTIONS

- **LICENSED MASSAGE THERAPIST "X", 7/2013: Letter of Education**. Failure to release patient records with a timely manner upon proper request.
- **LICENSED MASSAGE THERAPIST "Y", 9/2013: Letter of Education**. Unprofessional behavior, violation of client-therapist boundaries.
- **CHIROPRACTOR "Z", 9/2013: Letter of Admonishment/Education**. Employed an underage/unregistered Chiropractic Assistant Trainee.
- **CA APPLICANT "X", 3/2014: Letter of Education**. Failing to fully report past misdemeanor conduct/conviction on application for CA training.
- **CHIROPRACTOR "Y", 3/2014: Letter of Education**. Failure to comply with CA Program requirements.

Note: All Formal Orders and Informal Actions are the result of the decision of the quorum of the full Board of Chiropractic & Massage Therapy Examiners, meeting and deliberating in closed, Executive Session. Informal Actions are not releasable to the public.

BOARD MESSAGE COMPLIANCE INITIATIVE CONTINUES WITH PRO-ACTIVE ENFORCEMENT

The Board has worked diligently and in cooperation with local law enforcement authorities to close unlicensed practices. Over the past months, the police have been especially diligent in responding to reports in shutting down illegal businesses engaged in massage therapy without licensed therapist/practitioners. However, again, we must remind licensees and registrants that the Board DOES NOT have jurisdiction in these cases. Illegal massage or chiropractic practice is a criminal violation punishable by fine and/or imprisonment. The board administratively assists the police in providing information and license/registration verification services to the arresting officer and prosecutor.

If you are aware of an unlicensed or unregistered practice; CALL THE POLICE and file a report. Illegal massage practice takes money out of the pockets of license/registered practitioners. It also demeans the healthcare practice of massage.

LATEST ELECTRONIC & TECHNOLOGY INITIATIVES

The Board has fully transitioned its websites to include the most recent data uploads. Now, license and registration holders can view all disciplinary summaries, newsletters, laws, regulations, scope of practice bulletins, access to renewal information (during biennial periods) and online licensing verifications. Last year, the Board and all DHMH offices had transitioned to business Google mail for all electronic correspondence. Last Spring, the Board began uploading copies of all disciplinary orders to the website for viewing and downloading by the public. All of the foregoing are enhancements to communications and service to the massage therapy community and an effort to go Green. The full Board is now utilizing mini notebooks/ tablets to conduct business where as anywhere to 150 sheets per person was utilized to conduct monthly Board Meetings.

BOARD MEMBERS ATTEND VARIOUS CONFERENCES AND PROGRAMS

The Board annually sends members and staff to specific meetings and conferences to expand their knowledge and acumen regarding aspects of their duties and responsibilities. Cost for these programs are annually submitted as part of the Board's budget and must be cleared under strict guidelines by DHMH and the Office of General Accounting.

The Board President, Dr. Michael Fedorczyk, D.C. and the Vice -President, Dr. Jonathan Nou, D.C. had attended the Federation of Chiropractic Licensing Boards (FCLB), Annual Meeting in April/May 2014. Many national and regional issues had been discussed and considered. Note: The Federation of State Massage Therapy Boards (FSMTB) is the counterpart to the Chiropractic FCLB and deals with both national and regional issues of importance regarding Massage Therapy. The 2014 Board Massage Members, Gwenda Harrison, LMT and David Cox, LMT attended informative conferences affecting the massage professionals.

BOARD OF CHIROPRACTIC & MASSAGE THERAPY EXAMINERS COMPOSITION FOR 2014



Michael Fedorczyk, D.C., President

David Cox, LMT, Member

Jonathan Nou, D.C., Vice-President

Ernestine Jones Jolivet, Consumer Member

Robert Frieman, D.C., Secretary/Treasurer

Gloria Boddie-Epps, Consumer Member

Stephanie Chaney, D.C., Past President

Michael Moskowitz, D.C., Member

Karen Biagiotti, LMT, Member

Gregory Lewis, D.C., Member

Gwenda Harrison, LMT, Member



MASSAGE THERAPY LICENSURE TIMELINES & STATUS CATEGORIES

MASSAGE THERAPY BIENNIAL RENEWAL 2014-2016

All Maryland Massage Therapists Licenses and Massage Practitioners Registrations will expire October 31, 2014. Specific Information regarding the renewal of the licenses and registrations will be forthcoming in the summer with a "Reminder Postcard" sent via USPS mail to active license and registration holders and inactive license and registration holders in June. The all active and inactive status license and registration holders will receive by USPS mail, the specific "Instructions and Procedures" which provides the step-by-step procedures to navigate the online renewal system which will be assessable through links on the Board's website (www.mdmassage.org and/or www.dhmfh.maryland.gov/massage). **License and Registration Renewals are strictly completed online through the Board's website and during the specified 'Open Renewal dates (Aug. 30th thru Oct. 30th) and Open Late Renewal' dates (Oct. 31st thru Nov. 30th) in 2014.**

ACTIVE AND INACTIVE STATUS REGARDING ONLINE 2014-2016 BIENNIAL RENEWAL

All active and inactive license and registration holders must renew their respective status every biennial renewal window (every two years-on the even years) regardless of the original or initial date of licensure. If a license or registration holder obtains an initial license or registration 12 months or less from the expiration date printed on the license or registration; the licensee or registrant is exempt from continuing education requirements **only** during the renewal. Note: licensees and registrants should confirm their current licensure status by either going to the website and clicking on the 'verification link' located on the homepage in the 'Online Services' box or contacting the Board. Also a license or registration holder can be sure of the expiration date of his/her license or registration by either going to the "verification link" on the website or simply by looking at the expiration box of the board issued license or registration which is conspicuously displayed at the place of employment. **YOU CANNOT REACTIVATE OR REINSTATE A LICENSE OR REGISTRATION ONLINE .**

ADMINISTRATIVE FLAG(S) —EITHER TAX DELINQUENCY, CHILD SUPPORT DELINQUENCY: If you have been flagged by the MD State Office of Comptroller for state tax or the Child Support Enforcement Office for child support delinquencies; you will be notified by the Board at the address on file and **will not be allowed to complete renewal unless/until you satisfy the delinquency with the Comptroller of CSE. FAILURE TO NOTIFY BOARD OF A CHANGE OF ADDRESS:** If you fail to notify the Board of a change of address in writing, by either use of the Board 'Change Address/Name Form located on the website at www.mdmassage.org or the back of the wallet portion of your current license/registration by mail within 60 days of the change; (1) you may not receive your Board correspondence AND (2) you may be assessed an Administrative Penalty of \$100.

OTHER CATEGORIES

INACTIVE STATUS—REACTIVATION (\$386.00 LMT—\$350.00 RMP) - Board Form on Board website

Licensees and Registrants who are actively 'inactive' may reactivate a license or registration at anytime (Note: if you reactivate near a biennial renewal window; licenses or registrations fees are not prorated and you will need to renew during the renewal period). The licensee or registrant may download the 'Reactivation Application' located on the Board's website under the "Form" tab and remit into the Board the completed application, copies of the required regulatory CEUs and a copy of the a valid CPR certification for the workplace. Note: licensees and registrants should confirm their current licensure status by either going to the website and clicking on the 'verification link' located on the homepage in the 'Online Services' box or contacting the Board.

NON-RENEWED STATUS—REINSTATEMENT (\$686.00 LMT—\$650 RMP) - Board Form on Board website

Licensees and Registrants who are in a non-renewed status for less than 24 months and wish to reinstate their license or registration may do so anytime (Note: if you reinstate near a biennial renewal window; licenses or registrations fees are not prorated and you will need to renew during the renewal period). You may download the "Reinstatement Application" located on the Board's website under the "Form" tab and remit into the Board the completed application, copies of the required regulatory CEUs and a copy of the a valid CPR certification for the workplace. Note: licensees and registrants should confirm their current licensure status by either going to the website and clicking on the 'verification link' located on the homepage in the 'Online Services' box or contacting the Board.

NON-RENEWED STATUS—24 MONTHS OR MORE NON-RENEWED (REAPPLICATION) New Lic. /Reg Appl

Licensees and Registrants who failed to renew a license or registration within 2 years after the last expiration date of the license or registration shall meet all regulatory requirements currently in effect at the time of request and make reapplication to the Board for licensure. Note: licensees and registrants should confirm their current licensure status by either going to the website and clicking on the 'verification link' located on the homepage in the 'Online Services' box or contacting the Board.

MESSAGE THERAPY BIENNIAL RENEWAL INFORMATION - DEADLINE IS OCTOBER 30, 2014

IMPORTANT TIMELINES FOR 2014

Online Biennial Renewal will open live approximately August 2014 and will run through October 31, 2014. Late renewal will begin November 1, 2014 and close November 31, 2014. **December 1, 2014 the Biennial Online System will close.** Any licensee or registrant who has not renewed his/her license or registration or licensure status by November 31, 2014 will automatically become a category status of Non-Renewed on December 1, 2014.

WALK-INS

In order to facilitate audit tracking and fiscal procedures implemented by the Office of Legislative Audits, the Board must insist that all correspondences such as: applications, payments, documentation inclusive of audits be submitted by mail or messenger service **with the exception of electronic on-line renewals.** Unless special circumstances are approved by the Board, all business must be transacted **via mail** service. Of course any licensee/registrant may make an appointment to personally come in and discuss any relevant issue with the Massage Program Manager. Information may also be obtained and questions promptly answered via phone or email.



TAX OR CHILD SUPPORT DELINQUENCIES WILL DELAY YOUR ABILITY TO RENEW YOUR LICENSE OR REGISTRATION HAVE YOU PAID YOUR STATE TAXES?

Maryland law requires that anyone who qualifies for a renewal license, certificate or registration must be current with state taxes and/or child support payments prior to the issuance of the renewal license, certificate, or registration. **THIS MEANS THE BOARD CANNOT ISSUE A RENEWAL LICENSE, CERTIFICATE OR REGISTRATION UNLESS ALL TAX OBLIGATIONS AND/OR CHILD SUPPORT OBLIGATIONS TO THE STATE ARE PAID OR AN AGREEMENT HAS BEEN MADE TO CURE THE TAX / CHILD SUPPORT DEBT— THERE ARE NO WAIVERS OR EXCEPTIONS.**

NOTE: The Board cannot intervene in any delinquent tax or child support matter unless the licensee or registrant has reason to believe there has been an error on the Board's part. It is the responsibility of the licensee or registrant to contact the Comptroller's Office to resolve any outstanding issues/matters of the State of Maryland prior to renewing a license or registration online during the Biennial Renewal window. The Comptroller's Office will then notify the Board via email of a clearance status for your license or registration; then and only then will you be able to proceed with the renewal process.

THE BOARD MUST ADHERE TO THE REGULATION AND CANNOT MAKE ANY EXCEPTIONS!
Refer to COMAR 10.31.02.02

CHANGE OF ADDRESS NOTIFICATION REQUIREMENT

A "Change of Address" is to be submitted every time a licensee or registrants changes mailing address. The Board regulations require all licensees and registrants to maintain a current address with the Board. The licensee and registrant shall notify the Board of any change in the name or address of the license or registration holder, in writing within 60 days after the change occurs. You may make notification in writing by U.S.P.S. mail, by fax (410) 358-1879, or by simply completing and mailing to the Board the "Change of Name/Address" card connected to the wallet portion of your license or registration.

THERE IS A \$100.00 ADMINISTRATIVE PENALTY FOR FAILURE TO MAINTAIN A CURRENT ADDRESS WITH THE BOARD!
Refer to COMAR 10.43.17.12

UNIT 83
MD BOARD OF CHIROPRACTIC &
MASSAGE THERAPY EXAMINERS
4201 Patterson Avenue, Suite 301
Baltimore, MD 21215-2299



REMEMBER TO CHECK THE BOARD'S WEBSITE
FOR UPDATES AND BULLETINS

DO NOT DISCARD THIS IMPORTANT NEWSLETTER REGARDING YOUR MESSAGE LICENSE OR REGISTRATION

REQUEST FOR RESTRICTION OF EMAIL ADDRESS FROM RELEASABLE DATABASE ROSTER

I, _____, License No. _____, request that my email address not be included on the Board releasable database roster. By this request, I acknowledge and agree that **this restriction may result in me not having access to updated electronic information, advertisements and CEU programs that may be distributed, offered, advertised and disseminated by providers and contractors.**

Signature

date

Mail to: MD Board of Chiropractic & Massage Therapy Examiners, 4201 Patterson Avenue, Suite 301, Baltimore, Maryland 21215
4201 Patterson Avenue, Baltimore, MD 21215-2299.

ADDRESS CHANGE FORM

All licensees and registrants must notify the Board in writing upon changing their mailing address. Failure to do so will result in the assessment of a \$100.00 fine pursuant to COMAR 10.43.06.S.

I, _____, submit that I have changed my official mailing address to:

_____, effective on:

_____, 20___. I understand that upon receipt of this form, my official mailing address will be changed in my

Message Therapy file and in the licensee /registrant database.

Print Name

Mail to: Board of Chiropractic & Massage Therapy Examiners
Suite 301
4201 Patterson Ave.
Baltimore, MD 21215-2299
Attn: Ms. Emily Jones

Signature

Date