

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
BOARD MEETING

September 8, 2011

GENERAL SESSION AGENDA

1. **Review, approval of Agenda.**
2. **Review, approval of Board Minutes of last meeting (July 14th). *There was no Board Meeting scheduled for August.***
3. **Review of Administrative Staff Issues, Mr. J.J. Vallone, Executive Director:**
 - a) Departure of Mr. Marc Ware, Board contractual Consultant/Investigator, effective August 11, 2011; position posted on the State's employment database. The Board has received several resumes; interviews are in progress; anticipate hiring in September
 - b) Update: 2011-2013 Chiropractic Renewal – Ms. Maria Ware
 - c) NBCE Part IV Examinations
4. **Presentation by Mr. Arne Georg Oyre, PT, Massage Therapy Applicant, to accept his PT educational background, which includes massage therapy coursework, in lieu of attending a massage therapy program (*tabled from the April 14th meeting*):**
 - can practice massage only under his PT license, according to the PT Board
 - foreign training – transcripts read for PT licensure over 20 years ago
 - indicated BSOM would transfer his credits, but BSOM will not, citing “foreign transcripts reading too old”
 - does not have an NCBTMB National Certification – Board requirement
5. **Petition from Mr. Xingang Mao, Massage Therapy Applicant, to accept his non-accredited massage school training:**
 - massage school, American College Massage School, Inc, is not nationally or regionally accredited
 - only accredited under the State of Indiana Commission on Proprietary Education to operate in the State of Indiana
 - instructors “grandfathered” in to licensure do not hold a National Certification from NCBTMB, according to the Director, Ms. Gale Miller

6. **Petition from Ms. Rachel Amy Harding, Massage Therapy Applicant, to accept her non-accredited massage school training:**
 - massage training school, Space Coast Health Institute, Melbourne, FL, became accredited by the ACCSCT, which was recognized by the U.S. Department of Education **AFTER** Ms. Harding graduated
 - prior and during Ms. Harding’s enrollment from 2002 to July 31, 2004, the school was licensed by the Commission for Independent Education, to offer 3 programs of instruction which included Basic Massage and Hydrotherapy Diploma
 - in 2003, instructors were required to have their NCBTMB National Certification to be massage therapist licensed in the State of Florida (licensure and experience was required in order to be an instructor); however, currently NCBTMB not required

7. **Approval of the Federation of State Massage Therapy Boards (FSMTB) Examination for Maryland massage entry.**

8. **Requests for chiropractic trade name approval:**
 - a) *Ellicott City Wellness Chiropractic, L.L.C.* – Brian Heaton, D.C., and Lindsey Heaton, D.C.
 - b) *Living Wellness Chiropractic of Columbia* – Eric R. Huntington, D.C.
 - c) *Belvedere Chiropractic* – Glenn R. Miller, D.C. (*York Road location*)
 - d) *Ashburton Chiropractic* – Glenn R. Miller, D.C. (*Druid Park Drive location*)

9. **Requests for massage trade name approval:**
 - a) *Pure Indulgence Mobile Massage* – Heather Naulty, RMP
 - b) *Cobraflower Massage Therapy* – J. Paige Szymanski, LMT
 - c) *Traveling Tranquility Massage* – Mignon J. Cotton, RMP
 - d) *En-v-us Massage* – Roger D. Burk, Jr., RMP
 - e) *Chisymmetry: Massage, Reiki, and Feng Shui* – Cheryl Hicks, LMT
 - f) *Guide Us To Massage, Therapeutic Massage by Jill Guidas, LMT, MD State Licensed, Nationally Certified* – Jill A. Guidas, LMT
 - g) *Gift of Touch Massage Therapy* – John H. Bartkowiak, LMT
 - h) *tawandatherapeutic-touch* – Tawanda A. Bailey, LMT (**1st choice**)
Bailey Massage & Wellness – Tawanda A. Bailey, LMT (**2nd choice**)

10. **FYI – Miscellaneous correspondence for review/discussion.**

BOARD WORKING LUNCH

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
MINUTES – GENERAL SESSION

September 8, 2011

Members Present

Jonathan C. Nou, D.C., Board Secretary/Treasurer
Kay B. O’Hara, D.C.
Karen Biagiotti, LMT
David A. Cox, LMT
Gwenda Harrison, LMT
Mary Anne Frizzera-Hucek, Consumer Member
Ernestine Jones Jolivet, Consumer Member

Non-Members Present

J.J. Vallone, Executive Director
Grant D. Gerber, Esq., Board Counsel
Maria Ware, Office Manager
David Ford, Senior Board Investigator
Sharon Bloom, DHMH Liaison
Kristen Neville, Legislation/Regs Specialist
Arne G. Oyre, PT, MT Applicant (*Petitioner*)
Anthony Lane Hinkle, LMT, NCBTMB, MD Brd. Liaison
Holly A. Klein, LMT, Medix School
Cheryl Hicks, LMT
Jean Jeffreys, LMT
Raymond Roman

Members Absent

Stephanie J. Chaney, D.C., Board President
Michael Fedorczyk, D.C., Board Vice-President
Duane R. Sadula, D.C.

Dr. Jonathan Nou called the meeting to order at 10:00 A.M.

Review of Agenda and Minutes

The September 8th Agenda was amended as follows: 1) under no. 3, add “c. NBCE Part IV Examinations”; 2) under no. 9, rename “e.” to “Chisymmetry: Massage, Reiki, and Feng Shui – Cheryl Hicks, LMT”; and add “h. tawandasterapeutic-touch – Tawanda A. Bailey, LMT” (*1st choice*) or “Bailey Massage & Wellness – Tawanda A. Bailey, LMT” (*2nd choice*). Ms. Harrison motioned to accept the amended Agenda; Mr. Cox seconded, and the motion was unanimously voted.

The July 14th Minutes were approved as drafted. Ms. Hucek motioned to accept the Minutes; Ms. Jolivet seconded, and the motion was unanimously voted.

Review of Administrative Staff Issues, Mr. James J. Vallone, Executive Director

- Departure of Board Contractual Consultant/Investigator: Mr. Marc Ware officially ended his contractual position with the Board for personal reasons, effective August 11, 2011. The permanent Investigator position (Grade 14) has been posted on the State’s employment database. The Board has received resumes from 14 applicants. Mr. Vallone, Ms. Congo, Mr. Ford, and Ms. Ware will sit on the interview panel. Mr. Ford will conduct the investigation of massage cases, existing and new, until a new Board Investigator is hired.

- The National Board of Chiropractic Examiners (NBCE) Part IV Examination is scheduled for November 2011. Dr. Fedorczyk will represent Maryland at Palmer College in Davenport, Iowa; Dr. Nou will represent Maryland at Life College in Marietta, Georgia.
- Dr. Chaney and Dr. Fedorczyk will represent Maryland at the Federation of Chiropractic Licensing Boards (FCLB) Districts III and V Regional Meeting scheduled for September 8-11, 2011 in Halifax, Nova Scotia.
- The Federation of State Massage Therapy Board's (FSMTB) Annual Meeting: Ms. Biagiotti and Mr. Cox will attend the FSMTB's annual meeting, as Board Delegate and Board Member, respectively. The FSMTB's annual meeting is scheduled for October 14-15, 2011 in Los Angeles, CA.
- The Board continues to compare the various types of scanners, IPADs, NetBooks, etc., to see what will work best for our Board.

Update Regarding the 2011-2013 Chiropractic Biennial Renewal – Ms. Ware

The on-line renewal opened live on July 15, 2011 to 892 active/inactive chiropractors. Active fees were reduced from the regulatory ceiling of \$700.00 to \$600.00 (in addition to the MHCC fee of \$28.00 = \$628.00 total); inactive fees were reduced from \$350.00 to \$150.00. As of this date: 1) 799 renewals have been processed (27 chiropractors changed status from active to inactive); 2) \$469,613.00 fees have been deposited; 3) 35 chiropractors were identified by the Comptroller's Office as being tax-delinquent (31 cleared; however only 28 of the 31 have processed their renewals); and 4) 114 (15%) chiropractors were randomly audited (104 chiropractors submitted CEUs as required). The majority of complaints received were regarding the problems some chiropractors were experiencing while entering their CEUs in the database; but overall most chiropractors found the on-line renewal process easy to navigate. The deadline for renewing is August 31, 2011; beginning 9/1/2011 thru 9/30/2011, a \$500 late renewal fee will be automatically attached to the on-line system. The on-line system will officially close midnight, September 30, 2011 and chiropractors who have not renewed will be listed in the database as "non-renewed." Any chiropractor who wishes to reinstate his/her license after October 1st will have to submit his/her request in writing, submit CEUs/CPR card, and pay all applicable fees. The Board commended the staff for its expediency and professionalism in processing and printing renewals, handling problems as they arose, and contributing to the overall success of the on-line renewal process.

Petition from Mr. Xingang Mao, Massage Therapy Applicant

Mr. Mao petitions the Board to accept his non-accredited massage school training from the American College Massage School in Indiana. The massage school is accredited under the State of Indiana Commission on Proprietary Education to operate in Indiana, and is not nationally or regionally accredited. According to Ms. Gale Miller, Director, instructors were grandfathered in and do not hold a National Certification from NCBTMB; therefore, they do not meet the State statutory requirements. The Board reviewed Mr. Mao's documentation and motioned to deny his non-accredited massage school training for Maryland licensure. Dr. O'Hara supported the motion; Ms. Hucek seconded, and the motion was unanimously voted.

Presentation by Mr. Arne Georg Oyre, PT, Massage Therapy Applicant

Mr. Oyre gave presentation before the Board to accept his physical therapy (PT) educational background, which includes massage therapy coursework, in lieu of attending a massage therapy program. Mr. Oyre, who currently has an active PT license (licensed since 1962), can legally perform massage under his PT license. However, Mr. Oyre is having an issue with his clients' insurance carrier reimbursing them [the clients] for the massages they previously received from him. According to Mr. Oyre, the insurance carrier informed him that his clients can be reimbursed for future massages if he becomes Maryland State licensed as a massage therapist. The Board opined that it has no jurisdiction over insurance issues. Mr. Oyre also does not have an NCBTMB National Certification, which is mandatory for Maryland State licensure as a massage therapist. On advice of Board Counsel, the Board will discuss this issue in the Executive Session and notify Mr. Oyre, in writing, of their decision.

Petition from Ms. Rachel Amy Harding, Massage Therapy Applicant

Ms. Harding petitions the Board to accept her non-accredited massage school training from the Space Coast Health Institute in West Melbourne, FL. The Institute became accredited by the Accrediting Commission of Career Schools and Colleges of Technology (ACCSCT), which was recognized by the U.S. Department of Education, after Ms. Harding graduated in 2004. In 2003, instructors of the Institute were required to have their NCBTMB Certification in order to be licensed as a massage therapist in Florida. The Board reviewed Ms. Harding's documentation and motioned to waive the accreditation requirement and accept her application for Maryland licensure. Mr. Cox supported the motion; Ms. Biagiotti seconded, and the motion was unanimously voted.

The Federation of State Massage Therapy Boards (FSMTB) Examination

In August, the Education Subcommittee met and reviewed the issue of adding the FSMTB Massage & Bodywork Licensing Examination (MBLEX) to the Board's list of approved examinations to qualify applicants for massage licensure in Maryland; they submitted their findings to the Board. The Board motioned to approve the FSMTB examination (MBLEX) for Maryland massage therapy entry. Ms. Harrison supported the motion; Dr. O'Hara seconded, and the motion was unanimously voted.

Requests for Approval of Chiropractic Trade Names

The following chiropractic trade name requests were individually **approved** by Board motions. Dr. O'Hara supported the motions; Ms. Hucek seconded, and the motions were unanimously voted.

1. Ellicott City Wellness Chiropractic, L.L.C. – Brian Heaton, D.C., and Lindsey Heaton, D.C.
2. Living Wellness Chiropractic of Columbia – Eric R. Huntington, D.C.
3. Belvedere Chiropractic – Glenn R. Miller, D.C. (York Road location)
4. Ashburton Chiropractic – Glenn R. Miller, D.C. (Druid Park Drive location)

Requests for Approval of Massage Trade Names

The following massage trade name requests were individually **approved** by Board motions. Ms. Biagiotti supported the motions; Ms. Harrison seconded, and the motions were unanimously voted.

1. Pure Indulgence Mobile Massage – Heather Naulty, RMP
2. CobrafLOWER Massage Therapy – J. Paige Szymanski, LMT
3. Traveling Tranquility Massage – Mignon J. Cotton, RMP
4. En-v-us Massage – Roger D. Burk, Jr., RMP
5. Chisymmetry: Massage, Reiki, and Feng Shui – Cheryl Hicks, LMT
6. Guide Us To Massage, Therapeutic Massage by Jill Guidas, LMT, MD State Licensed, Nationally Certified – Jill A. Guidas, LMT
7. Gift of Touch Massage Therapy – John H. Bartkowiak, LMT
8. Bailey Massage & Wellness – Tawanda A. Bailey, LMT (*Ms. Bailey's 2nd choice*)

The following massage trade name request was **disapproved** by Board motion. Ms. Biagiotti supported the motion; Ms. Harrison seconded, and the motion was unanimously voted.

1. tawandatherapeutic-touch – Tawanda A. Bailey, LMT (*Ms. Bailey's 1st choice*)

Miscellaneous

1. There was no Board Meeting scheduled for August 2011, per Board motion. A Board Hearing was held August 11, 2011; refer to the Executive Session for details.
2. Ms. Kristen Neville, Legislation and Regulations Specialist, is coordinating the orientation for newly appointed Board Members. The orientation is scheduled for November 7, 2011 at the UMBC Tech Center, 1450 South Rolling Road. New Board Members were encouraged to attend.
3. The Citizens Advocacy Center Meeting is scheduled for October 20-21, 2011 in Washington, D.C. The Meeting covers issues of Board discipline programs, hearings, suspensions, etc. The Board will pay the registration fee of \$445 per attendee; also, Board Members will receive per diem plus transportation reimbursement. Board Members were encouraged to attend.

Upon motion by Ms. Harrison, seconded by Mr. Cox, the Board unanimously voted to adjourn the General Session at 11:30 A.M.

Respectfully Submitted:



For Dr. J. C. Nou

Jonathan C. Nou, D.C.
Board Secretary/Treasurer