

Part III – Maryland Jurisprudence
Title 10 Department Of Health And Mental Hygiene
Subtitle 43. Board Of Chiropractic & Massage Therapy Examiners

10.43.01 General Regulations

.01 Rules of Order.

All proceedings of the Board in regular session shall be governed by Robert's Rules of Order.

.02 Board Officers, Members, and Staff.

A. The Board shall, as the appointing authority, direct the operation of the staff through the executive director.

B. Board members may not have monetary, pecuniary, or other interest in the affairs of any:

- (1) Staff member; or
- (2) Organization engaged in business with the Board, including:
 - (a) Businesses;
 - (b) Enterprises; or
 - (c) Other for-profit organizations.

C. A Board member or Board staff may not serve for compensation as an instructor in a continuing education course or program under Board cognizance over which that Board member or staff member serves in an approval capacity.

.03 Preliminary Educational Qualifications Credits.

Preliminary educational qualifications credits acceptable to the Board are:

- A. Certificates or diplomas issued by public and private high schools accredited by the National Council of Secondary Educational Institutions or as recognized by the state or city issuing them.
- B. Certificates issued by the department of education of the states and possessions of the United States to applicants having 15 or more units to their credit.
- C. Applicants presenting foreign credits of preliminary education shall have them certified by the consul or the embassy of the country in which they were acquired.
- D. Bachelor's degree accredited by the State.

.04 Examination Requirements.

A. The Board shall accept examination results only from the National Board of Chiropractic Examiners for applicants for a chiropractic license, including applicants seeking to practice chiropractic with physical therapy privileges.

B. The Board shall set the minimum passing score for each section of the National Board of Chiropractic Examiners' examination.

C. The Board shall administer a jurisprudence examination at least twice a year at times and places to be announced by the Board.

D. An applicant for the jurisprudence examination shall [have]:

- (1) Have first successfully completed all required parts of the National Board of Chiropractic and Massage Therapy Examiners' examination to the satisfaction of the Board; and
- (2) Submit all documentation and fees at least 45 days before the examination date.

E. The examination shall begin promptly at a time announced by the Board and shall be proctored by a Board member or Board staff member.

F. The applicant shall present a letter of admission and at least one form of personal, valid, current, U.S. government or state issued photo identification. There is no excuse, waiver, or exception for this requirement.

G. The application shall be executed, verified, and submitted to the Board at least 45 days before the date of examination.

H. The applicant shall follow all directions of the examination proctor.



I. The examination paper shall be retained by the Board as follows:

- (1) Passing examination papers shall be retained for 30 days;
- (2) Failing examination papers shall be retained for 90 days;
- (3) All examination papers shall be destroyed after the expiration of the time periods established under §I(1) and (2) of this regulation; and
- (4) Retained examination papers may not be reviewed by the applicant following the completion of the applicant's examination.

J. The Board shall administer the jurisprudence examination in the English language with no provisions made by the Board to accommodate the examination in any foreign language.

K. An applicant who fails the jurisprudence examination three times may not retake the examination until the Board has reviewed the applicant's file and approved a retake.

.05 Licenses.

A. Temporary Licenses. The Board may not issue any temporary license to practice chiropractic in Maryland.

B. An individual practicing chiropractic without a license shall be prosecuted and subject to penalties as prescribed in Health Occupations Article, Title 3, Subtitle 5, Annotated Code of Maryland.

C. The Board shall issue a license only upon an applicant's successful completion of the:

- (1) National Board of Chiropractic Examiners' examination, Parts I, II, III, and IV;
- (2) Jurisprudence examination; and
- (3) National Board of Chiropractic Examiners' Physiotherapy examination, if applicable.

D. The Board may waive educational or examination requirements for any licensed chiropractor applying to practice exclusively with a visiting organization for not more than 30 days per calendar year if the:

- (1) Chiropractor practices in a Board-approved, recognized jurisdiction with an active license in good standing; and
- (2) Practice is limited exclusively to members of the visiting organization.

E. Display of License in Office. A license holder shall display conspicuously at all times at the license holders' place of business the license granted by the Board.

F. A license holder shall maintain a current, correct mailing address with the Board.

G. Licensure by Credential.

(1) An application for licensure by credential shall be based on a written SPEC examination administered by the National Board of Chiropractic Examiners, a jurisprudence examination administered by the Board, and the education and professional qualifications of the applicant.

(2) At the Board's discretion, an applicant for licensure by credential shall appear before the Board in person before the license is granted.

H. Renewals.

(1) A license holder failing to renew a license shall:

(a) Be notified by the Board by certified mail of the delinquency; and

(b) Have the license revoked if the license holder does not renew by September 30th of the renewal year.

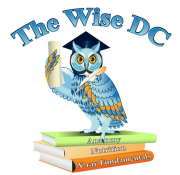
(2) Continuing Education.

(a) Upon renewal, when audited by the Board, a license holder shall submit written evidence of the successful completion of the number of continuing education hours and cardiopulmonary resuscitation (CPR) certification required by the Board for renewal.

(b) The license holder shall have completed the required credit hours by the time of renewal.

(c) This evidence may include a photocopy of the official transcript or a report of the completion of the course.

(d) Only a course program approved by the Board may be used to meet the continuing education requirement of §H(2) of this regulation.



(e) The requirement may be waived by the Board upon proof of unusual and extreme hardship or disability, and upon application to the Board at least 60 days before September 1.

I. Reinstatements. An applicant for reinstatement of a license that has lapsed for a period of more than 2 years shall be admitted only after satisfying the Board as to the applicant's efficiency by examination and the payment of fees due.

J. Types of Licenses.

(1) The Board shall issue two types of license:

(a) A license covering the practice of chiropractic and physical therapy, as defined in Health Occupations Article, §3-101(f) and (g), Annotated Code of Maryland; and

(b) A license permitting the holder to practice chiropractic as defined in Health Occupations Article, §3-101(f) and (g), Annotated Code of Maryland.

(2) An individual holding the chiropractic license and wishing to qualify for the license to practice physical therapy in conjunction with a practice of chiropractic may do so by taking 270 hours (60 minute hours) instruction in physical therapy in a chiropractic school or college teaching an approved course in the subject, and by passing the National Board of Chiropractic Examiners Physiotherapy examination with a minimum score of 75 percent.

.06 Disclosure for Compelling Public Purpose.

A. The Board may find that a compelling public purpose warrants disclosure of information in an application, certification, licensing, or investigative file, regardless of whether there has been a request for the information, if:

(1) The information concerns possible criminal activity and the disclosure is to a federal, state, or local law enforcement or prosecutorial official or authority;

(2) The information concerns a possible violation of law and the disclosure is to a federal, state, or local authority that has jurisdiction over the individual whose conduct may be a violation, and the information disclosed is limited to information relevant to the possible violation by that individual; or

(3) The information concerns conduct by an individual that the Board reasonably believes may pose a risk to the public health, safety, or welfare, and the disclosure is to a law enforcement authority, administrative official, or agency that regulates the individual, or to a hospital or other health care facility where the individual has privileges.

B. Other Disclosures. This regulation does not prohibit or limit the Board's ability to disclose general licensing information as provided in State Government Article, §10-617(h), Annotated Code of Maryland, or any information that the Board may otherwise disclose by law.

10.43.02 Chiropractic and Massage Therapy — Rules of Procedure for Board Hearings

Authority: Health Occupations Article, §3-205(a)(1); State Government Article, §10-206; Annotated Code of Maryland

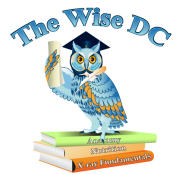
.01 Scope.

This chapter applies to all contested case hearings before the Board of Chiropractic and Massage Therapy Examiners or before the Office of Administrative Hearings. It does not apply to conferences or other informal investigations or proceedings.

.02 Notice of Hearing.

A. Written notice of a hearing shall be sent by the Board to all interested parties at least 30 days before the hearing. The notice shall state the date, time, and place of the hearing. It shall also state the issues or charges involved in the proceeding, provided, however, that if by reason of the nature of the proceeding, the issues cannot be fully stated in advance of the hearing, or if subsequent amendment of the issues is necessary, they shall be fully stated as soon as practicable.

B. Service upon a party shall be by delivery of the charging document and a copy of the complaint to the party in person. Instead of personal service, the Board may serve the charging document and a copy of the complaint by registered or certified mail, restricted delivery, return receipt requested.



.03 Representation of Parties.

Every party appearing at formal hearings has the right to appear in proper person, or by or with counsel.

.04 Pre-Hearing Procedures.

A. Pre-hearing Conferences. The Board may set a pre-hearing conference as it deems appropriate.

B. Oaths and Subpoenas. The Board may administer oaths and compel the attendance of witnesses and the production of physical evidence before it from witnesses upon whom process is served anywhere within the State as in civil cases in the circuit court of the county or of Baltimore City, by subpoena issued over the signature of the President or Secretary and the seal of the Board. Upon a request by a party and statement under oath that the testimony or evidence is necessary to their defense, the Board shall issue a subpoena in their behalf.

C. All motions filed by a party with the Board or the Office of Administrative Hearings, as appropriate, shall be accompanied by a memorandum of points and authorities and shall be filed at least 15 days before the hearing. A copy shall be served on the opposing party. Any response shall be filed with the Board or the Office of Administrative Hearings, as appropriate, at least 7 days before the hearing and a copy shall be served on the opposing party.

D. Discovery on Request. By written request served on the other party and filed with the Board or the Office of Administrative Hearings, as appropriate, a party may require another party to produce, within 15 days, the following:

- (1) A list of witnesses to be called;
- (2) Copies of documents intended to be produced at the hearing; or
- (3) Both §A(1) and (2) of this regulation.

E. Mandatory Discovery.

(1) Each party shall provide to the other party not later than 15 days before the prehearing conference, if scheduled, or 45 days before the scheduled hearing date, whichever is earlier:

- (a) The name and curriculum vitae of any expert witness who will testify at the hearing; and
- (b) A detailed written report summarizing the expert's testimony, which includes the opinion offered and the factual basis and reasons underlying the opinion.

(2) If the Board or the Office of Administrative Hearings, as appropriate, finds that the report is not sufficiently specific, or otherwise fails to comply with the requirements of this section, the Board or the Office of Administrative Hearings, as appropriate, shall exclude from the hearing the testimony and any report of the expert.

(3) The Board or the Office of Administrative Hearings, as appropriate, shall consider and decide arguments regarding the sufficiency of the report.

- (a) At the prehearing conference, if scheduled; or
- (b) Immediately before the scheduled hearing.

(4) If an expert adopts a sufficiently specific charging document as the expert's report, that adoption satisfies the requirements set forth in this section.

F. Parties are not entitled to discovery of items other than as listed in §§D and E of this regulation.

G. Both parties have a continuing duty to supplement their disclosures of witnesses and documents.

H. Absent unforeseen circumstances which would otherwise impose an extraordinary hardship on a party, witnesses or documents may not be added to the list:

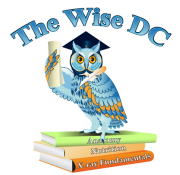
- (1) After the prehearing conference, if scheduled; or
- (2) Later than 15 days before the hearing, if no prehearing conference is scheduled.

I. The prohibition against adding witnesses does not apply to witnesses or documents to be used for impeachment or rebuttal purposes.

J. Construction.

(1) In hearings conducted by an administrative law judge of the Office of Administrative Hearings, this regulation shall, whenever possible, be construed as supplementing and in harmony with COMAR 28.02.01.

(2) In the event of a conflict between this regulation and COMAR 28.02.01, this regulation applies.



.05 Conduct of the Hearing.

A. Duties of Presiding Officer.

- (1) The Board shall conduct hearings before a quorum of the Board.
- (2) For purposes of a hearing under this chapter, four Board members present and entitled to vote shall constitute a quorum.
- (3) Board action shall be by majority vote of all the members then serving.
- (4) The President, or the President's designee, shall be the presiding officer, and shall have complete charge of the hearing, permit the examination of witnesses, admit evidence, rule on the admissibility of evidence, and adjourn or recess the hearing from time to time.
- (5) The presiding officer may set reasonable time limits in arguments and presentation of evidence.
- (6) The presiding officer shall be responsible for decorum in hearings and can suspend the proceedings as necessary to maintain decorum.

B. Legal Advisor and Counsel for the Board.

- (1) The presiding officer may request the Office of the Attorney General to participate in any hearing to present the case on behalf of the Board, and, upon such a request, this counsel has all the rights with regard to the:
 - (a) Submission of evidence, examination and cross-examination of witnesses;
 - (b) Presentation of summation and argument; and
 - (c) Filing of objections, exceptions, and motions as counsel for any party.

(2) The presiding officer may also request a representative of the Office of the Attorney General to act as legal advisor to the Board as to questions of evidence and law.

C. Order of Procedure. The State shall present its case first. Then the respondent shall present his case. After this the State may present rebuttal.

D. Examination of Witnesses and Introduction of Evidence.

(1) The rules of evidence in all hearings under these regulations shall be as set forth in State Government Article, §§10-208 and 10-209, Annotated Code of Maryland.

(2) Every party has the right on every genuine issue to:

- (a) Call witnesses and present evidence;
- (b) Cross-examine every witness called by the agency, or other party;
- (c) Submit rebuttal evidence, present summation and argument; and
- (d) File objections, exceptions, and motions, except that when a party is represented by counsel, all the submissions of evidence, examination and cross-examination of witnesses, and filing of objections, exceptions, and motions shall be done and presented solely by this counsel.

(3) The presiding officer, or the presiding officer's designee, may examine:

- (a) A witness called by a party; and
 - (b) An individual in attendance at the hearing.
- (4) A member of the Board may examine a witness called by a party.

(5) The Board may submit evidence from an investigative file to other administrative and criminal investigative offices to assist in the investigation and prosecution of a case.

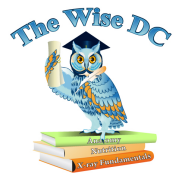
.06 Records and Transcripts.

A. The Board shall prepare an official record, which shall include all pleadings, testimony, exhibits, and other memoranda or material filed in the proceeding.

B. A stenographic record of the proceedings shall be made at the expense of the Board. This record need not be transcribed, however, unless requested by a party, or by the Board. The cost of any typewritten transcripts of any proceeding, or part of it, shall be paid by the party requesting the transcript.

.07 Decision and Order.

A. Every decision and order rendered by the Board shall be in writing and shall be accompanied by findings of fact and conclusions of law.



B. A copy of the decision and order and accompanying findings and conclusions shall be delivered or mailed promptly to each party or attorney of record.

C. Decisions and orders are public documents. The Board shall report to the National Practitioners Database and publish on the Board's database and the Board's web site decisions and orders within 30 days of the decision.

.08 Rehearings.

A. Any party aggrieved by the decision and order rendered may apply for rehearing within 10 days after service on him of the decision and order. Action on an application shall lie in the discretion of the Board.

B. Unless otherwise ordered, neither the rehearing nor the application for it shall stay the enforcement of the order, or excuse the person affected by it for failure to comply with its terms.

C. The Board may consider facts not presented in the original hearing, including facts arising after the date of the original hearing, and may by new order abrogate, change, or modify its original order.

.09 Appeal.

Any person whose license has been revoked or suspended by the Board, or any person placed on probation or reprimand under the regulations in this chapter, may appeal the Board's decision as provided by law.

10.43.03 Chiropractic — Advertising

Authority: Health Occupations Article, §3-401, Annotated Code of Maryland

.01 Scope.

A chiropractor may advertise his services subject to the provisions of this chapter.

.02 Qualifications.

A. In an advertisement, a chiropractor shall include at least the chiropractor's:

- (1) Name;
- (2) Office address;
- (3) Telephone number; and
- (4) Educational degree.

B. In an advertisement, a chiropractor may state the name of the chiropractor's specialty only if that specialty is approved by the Board.

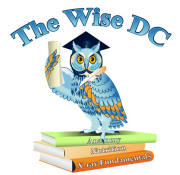
.03 Prohibitions.

An advertisement may not contain statements that:

- A. Contain a misrepresentation of facts or do not reasonably identify the practice as chiropractic;
- B. Are likely to mislead or deceive because in context the statement makes only a partial disclosure of relevant facts;
- C. Intend to, or are likely to, create false or unjustified expectations of favorable results;
- D. Relate to fees, other than a standard consultation fee or a range of fees for specific types of services, without fully disclosing all variables and other relevant factors;
- E. Convey the impression that the chiropractor could influence improperly any public body, official, corporation, or any person on behalf of a patient;
- F. Contain representations or implications that in reasonable probability can be expected to cause an ordinary prudent person to misunderstand or to be deceived;
- G. Contain representations that the chiropractor is willing to perform any procedure which is illegal under the laws or regulations of Maryland or the United States;
- H. Contain representations regarding the use of any equipment, treatment, or procedure not within the accepted, prudent practice of chiropractic;
- I. Promise payment, compensation, prizes, or remuneration of any intrinsic value; or
- J. Utilize an unauthorized trade name.

.04 Solicitation.

A. A chiropractor may not engage in solicitation, including but not limited to, in-person, telephone, or direct mail solicitation which:



- (1) Amounts to fraud, undue influence, intimidation, or overreaching;
 - (2) Contains statements which would be improper under Regulation .03 of this chapter.
- B. A chiropractor shall also be accountable under this regulation if the chiropractor uses an agent, partnership, professional association, or health maintenance organization to implement actions prohibited by this regulation.

10.43.04 Licensure by Credentials for Chiropractors

Authority: Health Occupations Article, §3-305, Annotated Code of Maryland

.01 Preface and Scope.

A. Preface. The Board of Chiropractic and Massage Therapy Examiners has established guidelines for licensure by credentials. This method of licensure is a special privilege granted by present statute, and is secured for those candidates who possess the necessary credentials required to practice chiropractic in the State. The requirements for licensure are stringent in order to insure the public is adequately protected and that licensure may be granted only to those who qualify by virtue of clinical competency and professional expertise.

B. Scope. This chapter applies to all chiropractors seeking licensure by credentials in Maryland. Since licensure by credentials is a privilege, the Board reserves the right to accept or deny this method of licensure based on Regulation .02 of this chapter.

.02 Eligibility.

A. A chiropractor is eligible for licensure by credentials if the applicant has graduated and received the degree Doctor of Chiropractic (D.C.) from a chiropractic college accredited by the Council on Chiropractic Education (C.C.E.) or its successor.

B. The applicant shall:

- (1) Be of good moral character and have submitted to the Board three letters of recommendation, one of which shall be sent by the state licensing board in which the applicant is currently licensed;
- (2) Meet all the qualifications set forth in the Health Occupations Article, §3-302, Annotated Code of Maryland;
- (3) Be currently licensed in another state by virtue of passing an examination that is similar to the examination for which the applicant is seeking licensure by credentials;
- (4) Have been in active clinical practice in the state for which the applicant was licensed by examination for the 5 years preceding application or has had full-time faculty status at a chiropractic college accredited by the Council on Chiropractic Education or its successor for at least 5 years before application;
- (5) Take and pass the Maryland jurisprudence and the National Board of Chiropractic Examiners SPEC examinations with minimum scores of 75 percent.

.03 Application Procedures.

A. An applicant shall submit the necessary information as set forth in the Health Occupations Article, §3-303, Annotated Code Maryland.

B. The Board may investigate the applicant to insure compliance with all provisions of this chapter.

.04 Requirements of Licensure.

At the Board's discretion, an applicant shall appear before the Board and demonstrate clinical competency in a manner and time to be determined by the Board.

.05 Fees.

- A. The fee for licensure by credentials shall be the same as that for licensure by examination.
- B. Additional fees may be assessed by the Board for investigatory purposes.
- C. The application fee is non-refundable.

10.43.05 Chiropractic Externship Program

Authority: Health Occupations Article, §§3-205 and 3-301, Annotated Code of Maryland



.01 Scope.

These regulations apply to all chiropractic externs and licensed chiropractors who are extension faculty members of a chiropractic college accredited by the Council on Chiropractic Education or its successor.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Accredited college" means a chiropractic school or college accredited by the Council on Chiropractic Education or its successor.

(2) "Approved program" means a program that has been approved by the Board of Chiropractic and Massage Therapy Examiners and the Council on Chiropractic Education or its successor.

(3) "Board" means the Maryland Board of Chiropractic and Massage Therapy Examiners.

(4) "Chiropractic extern program" means a 2-semester clinical program:

(a) In which chiropractic externs participate under the direct supervision of a licensed chiropractor who has been approved by the Board to serve as a preceptor; and

(b) That operates in a facility where chiropractic services have been approved by the Board of Chiropractic and Massage Therapy Examiners.

(5) "Direct supervision" means a licensed chiropractor remains on the premises at all times and directly supervises and continuously monitors the extern's performance within the practice.

(6) "Extern" means an individual enrolled in an accredited chiropractic college who has completed all requirements for the Doctor of Chiropractic program except for the final clinical phase of the program.

(7) "Extern applicant" means an individual who applies to the Board to be approved for the chiropractic externship program.

(8) "Licensed chiropractor" means a chiropractor who is licensed by the Board to practice chiropractic or to practice chiropractic with the right to practice physical therapy, and whose license is in good standing.

(9) "Preceptor or extension faculty member" means a licensed chiropractor actively practicing in the State in good standing who has been appointed to the extension faculty of an accredited chiropractic college and approved by the Board.

.03 Eligibility.

A. An extern applicant is eligible for approval in the chiropractic extern program if the applicant is currently enrolled in an approved program that is recognized by the Board of Chiropractic and Massage Therapy Examiners as requiring adequate clinical training and as maintaining an acceptable course of chiropractic instruction.

B. An extern applicant shall:

(1) Meet all the qualifications as set forth in Health Occupations Article, §§3-302 and 3-303, Annotated Code of Maryland.

(2) Be in good standing at the chiropractic college.

(3) File the necessary application forms as required by the Board and pay an application fee as set forth in COMAR 10.43.06.

(4) Have three letters of recommendation sent directly to the Board from clinical science professors at the extern's chiropractic college attesting to the applicant's good moral character and clinical abilities.

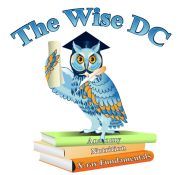
.04 Permitted Delegation.

A. A preceptor who is an extension faculty member may delegate duties within the scope of one's license, which constitute the practice of chiropractic, to an extern in accordance with these regulations.

B. A preceptor may permit an extern to perform chiropractic duties as part of a clinical program, subject to the following conditions:

(1) The preceptor shall maintain direct supervision of the extern.

(2) The clinical training program shall be governed by a written agreement between the extern's chiropractic college and the preceptor that:



- (a) Has been approved by the Board;
 - (b) Describes the specific program;
 - (c) Enumerates the functions the extern may perform;
 - (d) Indicates the legal responsibilities assumed by the extern's chiropractic college.
 - (3) The chiropractic college shall submit to the Board the names of those doctors selected as extension faculty members. The Board shall notify the college of those approved for the program.
 - (4) A licensed chiropractor may not supervise more than one extern during the same period.
 - (5) A licensed chiropractor may delegate or permit only duties and functions which are established as part of the clinical training program and none other.
 - (6) The extern may not supervise chiropractic assistants or trainees.
- C. Malpractice insurance in an amount defined by the Council on Chiropractic Education shall be obtained by the extern's chiropractic college and extension faculty member participating in the clinical program before the beginning of the clinical program.

D. A licensed chiropractor seeking preceptor status shall:

- (1) Make written application to the Board;
- (2) Pay the fee as set forth in COMAR 10.43.06;
- (3) Provide written evidence of malpractice insurance as requested by the Board; and
- (4) Agree to an administrative inspection of the chiropractic office spaces, equipment, and records as directed by the Board.

10.43.06 Chiropractic and Massage Therapy — Fees

Authority: Health Occupations Article, §§3-205, 3-206, 3-5A-02, and 3-5A-03, Annotated Code of Maryland

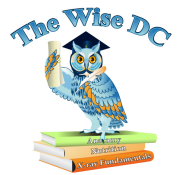
.01 Scope.

This chapter governs those who are licensed and certified or who are applying for licensure and certification by the Board.

.02 Fees for Chiropractic Licensure and Registration.

The following fees are established by the Board:

- A. Application fee . . . \$200;
- B. Examination fee . . . \$300;
- C. Licensure fee . . . \$200;
- D. Reexamination fee . . . \$400;
- E. Renewal fee to be paid on or before August 31 of the renewal year . . . \$700;
- F. Late renewal fee to be paid, in addition to the renewal fee, for renewal submitted within 30 days after August 31 . . . \$500;
- G. Reinstatement fee, in addition to the renewal fee and late fee in §§E and F of this regulation, for each renewal period that the license was expired after September 30 . . . \$300;
- H. Duplicate license fee . . . \$50;
- I. Duplicate license ordered at renewal . . . \$25;
- J. Inactive status fee . . . \$350;
- K. Reactivation fee charged to move licensure status from inactive to active status . . . \$200;
- L. Preceptorship application fee . . . \$300;
- M. Extern application fee . . . \$50;
- N. Licensure by credentials . . . \$750;
- O. Penalty for returned checks . . . \$50;
- P. Verification of licensure . . . \$35;
- Q. Chiropractic assistant examination fee . . . \$300;
- R. Chiropractic assistant renewal fee . . . \$250;



- S. Penalty for failure to maintain correct address with the Board . . . \$200;
 - T. Late renewal fee for chiropractic assistants . . . \$200;
 - U. Supervising chiropractor application fee . . . \$300;
 - V. Continuing Education Course processing review fee per hourly course unit . . . \$25;
 - W. Mailing labels or roster . . . \$200;
 - X. Chiropractic assistant registration fee . . . \$100;
 - Y. Paper copy of laws and regulations . . . \$25.
- .03 Fees for Massage Therapy Licensure and Registration.

The following fees are established by the Board:

- A. Application fee . . . \$150;
- B. License fee . . . \$200;
- C. State examination fee . . . \$275;
- D. Reexamination fee . . . \$300;
- E. Biennial renewal fee . . . \$250;
- F. Late renewal fee (within 30 days of certificate expiration, in addition to renewal fee) . . . \$200;
- G. Reinstatement fee (after 31 days of expiration of certificate or registration, in addition to renewal and late fees) . . . \$200;
- H. Inactive renewal fee . . . \$50;
- I. Reactivation fee . . . \$100;
- J. Duplicate license or registration fee . . . \$40;
- K. Duplicate license or registration ordered at renewal . . . \$20;
- L. Verification fee . . . \$35;
- M. Penalty for returned checks . . . \$50;
- N. Mailing labels or rosters . . . \$200;
- O. Penalty for failure to maintain correct address with the Board . . . \$100;
- P. Continuing Education Course processing fee per hourly course unit . . . \$25;
- Q. Paper copy of laws and regulations . . . \$25.

.04 Refunds.

- A. Fees are nonrefundable with the exception of the examination fee.
- B. The examination fee may be refunded at the discretion of the Board if the applicant's written request is received by registered mail at least 14 days before the examination.

.05 Assessment for Health Care Professionals.

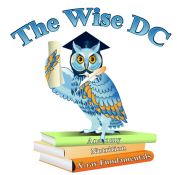
The applicant shall pay at the time of license renewal a fee for health care professionals, assessed by the Maryland Health Care Commission (MHCC), as specified in COMAR 10.25.02.

10.43.07 Chiropractic Assistants

Authority: Health Occupations Article, §§3-205 and 3-404, Annotated Code of Maryland

.01 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
 - (1) "Applicant" means a person who is undergoing training to become a chiropractic assistant.
 - (2) "Board" means the Board of Chiropractic and Massage Therapy Examiners.
 - (3) "Chiropractic assistant" means an individual who is registered by the Board to perform the duties authorized under this chapter.
 - (4) "Direct supervision" means supervision provided by a supervising chiropractor who is personally present and immediately available in the area where the procedures are performed to give aid, direction, and instruction when certain procedures or activities are performed.



(5) "Supervising chiropractor" means a chiropractor licensed by the Board in chiropractic with the right to practice physical therapy as set forth in Health Occupations Article, §3-301(c), Annotated Code of Maryland, and approved as a supervising chiropractor by the Board.

.02 Requirements for Achieving Supervising Chiropractor Status.

- A. Only a supervising chiropractor may work with or train a chiropractic assistant or applicant.
- B. Only an active, licensed chiropractor who holds physical therapy privileges and has no outstanding disciplinary orders may qualify for supervising chiropractor status.
- C. An applicant for supervising chiropractor status shall:
 - (1) Submit to the Board the required application and fee; and
 - (2) Successfully pass the Board supervising chiropractor examination and interview.

.03 Responsibilities of the Supervising Chiropractor.

The supervising chiropractor shall:

A. Submit:

- (1) The required Board Notification of Employment form before undertaking any hands on training or coursework with any chiropractic assistant applicant; and
- (2) All other Board-required reports and forms in a timely manner as determined by the Board.
- B. Notify the Board and course instructor or instructors of any change in status of any chiropractic applicant or assistant within 10 days of the change, including:
 - (1) Reasons for the change in status;
 - (2) Training received by the applicant or assistant;
 - (3) Hours completed by the applicant or assistant; and
 - (4) The applicant's or assistant's forwarding address;

C. Maintain accurate, legible, and comprehensive records of all clinical training provided to the chiropractic applicant or assistant, including, but not limited to:

- (1) Dates and times and duration of training as described in Regulation .05 of this chapter;
- (2) Modalities;
- (3) Equipment used; and
- (4) Any other information as directed by the Board;

D. Immediately produce the records described in §C of this regulation upon request or audit by the Board;

E. Promptly:

- (1) Report a chiropractic applicant or assistant not making satisfactory training progress; and
 - (2) Report before the Board as directed regarding the details of the training program issue;
- F. Maintain competency in knowledge of applicable laws and regulations and successfully complete any jurisprudence requirements that may be directed by the Board;

G. Ensure that all patient records accurately and legibly reflect the extent and degree of the involvement or assistance of the chiropractic applicant or assistant;

H. Submit the in-service training hours and verification of chiropractic applicant or assistant competency on a form provided by the Board within 30 days of completion of training or transfer of the chiropractic applicant or assistant to another supervising chiropractor;

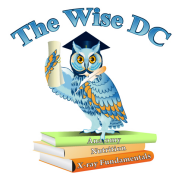
I. Be fully responsible for the safe and competent performance of the chiropractic applicant or assistant at all times; and

J. Provide direct supervision to not more than [two chiropractic applicants and three chiropractic assistants] five chiropractic assistants or applicants.

.04 Supervising Chiropractor Prohibited Acts.

A. The supervising chiropractor may not:

- (1) Delegate responsibilities in any manner to anyone not holding supervising chiropractor status;
- (2) Leave the treatment area when:
 - (a) Treating a patient; or
 - (b) A chiropractic applicant or assistant is treating a patient; or



(3) Permit a chiropractic applicant or assistant to treat a patient without the presence of the supervising chiropractor in the treatment area.

B. The license of a licensee who violates this regulation shall be subject to the penalties set forth in COMAR 10.43.10.

.05 Chiropractic Applicant or Assistant Qualifications and Training.

A. A chiropractic assistant or applicant shall:

- (1) Be 18 years old or older and of good moral character at the time of application;
- (2) Have proof of satisfactory completion of high school or an equivalent education;
- (3) Receive, within 1 year of application, minimum training consisting of:
 - (a) A minimum of 520 in-service training hours, with:
 - (i) The initial 40 hours consisting of observation procedures as listed in Regulation .09 of this chapter performed by the supervising chiropractor or registered chiropractic assistant; and
 - (ii) The remaining 480 hours consisting of direct supervision by a supervising chiropractor in the treatment area;
 - (b) 24 Board-approved hours in anatomy and terminology;
 - (c) 76 Board-approved classroom hours in physical therapy modalities, indications, and contraindications;
 - (d) 3 Board-approved hours in jurisprudence and risk management; and
 - (e) Certification by the American Red Cross or American Heart Association in cardiopulmonary resuscitation (CPR) at the provider level; and
- (4) Successfully complete the Board-approved classroom program and in-service training and Board examination within 1 year of application unless waived on a case-by-case basis due to hardship or extenuating circumstances, as provided in §C of this regulation.

B. The Board shall approve all educational courses, programs, texts, equipment, instructors, and study materials.

C. Waiver of Educational Requirements.

- (1) Upon written request to the Board, a licensed, certified, or registered healthcare provider in good standing in a Board-recognized jurisdiction, who otherwise meets the requirements of this chapter, may receive a waiver of the educational requirements of this regulation.
- (2) An applicant whose educational requirements are waived shall successfully pass:
 - (a) Both the chiropractic assistant and jurisprudence examination; and
 - (b) A discretionary Board interview.

.06 Term and Renewal of Registration.

A. A registration expires every 2 years, unless the registration is renewed for a 2-year term.

B. Before a registration expires, the registrant periodically may renew it for another term if the registrant:

- (1) Otherwise is entitled to be registered;
- (2) Pays a renewal fee as set forth in COMAR 10.43.06;
- (3) Submits to the Board a renewal application on the form that the Board requires; and
- (4) Submits to the Board verification of at least 10 hours of continuing education in courses approved by the Board.

.07 Examinations.

A. An applicant who otherwise qualifies for registration is entitled to be examined as provided in this regulation.

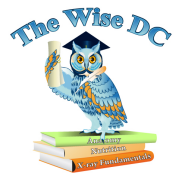
B. The applicant shall pass a Board proficiency and jurisprudence examination.

C. The applicant shall pay to the Board an examination fee as set forth in COMAR 10.43.06.

D. The Board shall:

- (1) Give examinations to applicants twice a year, at the times and places that the Board determines;
- (2) Notify each qualified applicant of the time and place of examinations; and
- (3) Determine the subject scope, form, and passing score for examination.

E. Reexaminations.



(1) If the applicant fails the examination twice, the applicant may retake the examination only if the applicant:

- (a) Pays the reexamination fee; and
 - (b) Completes additional minimum 10 hour refresher classroom training courses as approved by the Board in areas of deficiency.
- (2) An applicant who fails the examination twice may not perform in-service training duties in direct patient care or treatment under Regulation .03 of this chapter.

.08 Activities That May Be Performed by Chiropractic Applicants and Assistants Without Direct Supervision.

Only a chiropractic applicant or assistant may perform the following activities without the direct supervision of a supervising chiropractor:

- A. Taking the height, the weight, and vital signs of a patient and recording them in the patient record;
- B. Assisting in the dressing, undressing, and draping of a patient;
- C. Removing and applying assistive and supportive devices;
- D. Observing treatments and modalities as authorized by the supervising chiropractor; and
- E. Providing preprinted non-patient specific health and chiropractic concepts and information that has been approved and reviewed by the supervising chiropractor.

.09 Activities That May Be Performed by Chiropractic Applicants and Assistants Under Direct Supervision of a Supervising Chiropractor.

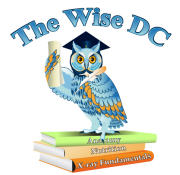
A chiropractic applicant or assistant may perform the following activities only under the direct supervision of a supervising chiropractor who is in the treatment area:

- A. Functional activities of daily living and hygiene;
- B. Gait practice and ambulation;
- C. Demonstration of routine follow-up exercise;
- D. Assist in moving a patient within the treatment area;
- E. Contrast baths;
- F. Hot and cold packs;
- G. Hubbard tank;
- H. Infrared, ultraviolet irradiation, non-laser light therapy, and cold laser light therapy;
- I. Muscle stimulation;
- J. Electrotherapy;
- K. Paraffin baths;
- L. Traction therapy;
- M. Ultrasound;
- N. Whirlpool;
- O. Diathermy;
- P. Therapeutic massage, if licensed under Health Occupations Article, §3-5A-01, Annotated Code of Maryland; and
- Q. Mechanical or computerized examination procedures for the sole purpose of collecting data subject to the following conditions:
 - (1) All data will later be used and interpreted by the chiropractor to form a diagnosis and treatment plan; and
 - (2) No test may be performed that requires diagnosis or interpretation as part of the data collecting or testing procedure.

.10 Chiropractic Applicant or Assistant Prohibited Acts.

A chiropractic applicant or assistant may not engage in any of the following activities:

- A. Communicate an evaluation or diagnosis to a patient or third parties;
- B. Perform an act requiring the professional skill or judgment of a licensed chiropractor;
- C. Take x-rays or position patients for x-rays; or
- D. Perform orthopedic or neurological tests.



.11 Practicing Without Registration.

A. Except as otherwise provided in this chapter, a person may not practice, attempt to practice, or offer to practice as a chiropractic assistant in this State unless registered by the Board

B. A person may not serve as a chiropractic applicant or assistant unless approved by the Board.

.12 Penalties for Violations of This Chapter.

A. Violations of these regulations may result in disciplinary action against the supervising chiropractor as set forth in Health Occupations Article, §3-313, Annotated Code of Maryland

B. A person practicing as a chiropractic assistant without being registered, except as provided in these regulations, is guilty of a misdemeanor, and may be fined \$5,000 or imprisoned for 1 year, or both.

C. A chiropractic assistant and an applicant for registration is subject to the Board's disciplinary authority under Health Occupations Article, §3-313, Annotated Code of Maryland.

.13 Display of Registration.

A chiropractic assistant shall display the registration and any current renewal registration conspicuously in the space where the license holder is engaged in practice, including in any temporary space, or in any exhibit location.

10.43.08 Chiropractic and Massage Therapy: Licensure and Registration Examination—Special Needs Applicants

Authority: Health Occupations Article, §§3-205 and 3-304, Annotated Code of Maryland

.01 Scope.

These regulations establish the procedures to be followed by examination applicants who have special needs because of a handicap or religious convictions.

.02 Eligibility Requirements.

A. An applicant with a disability may request modifications in examination materials or procedures by making a written request to the Board that includes:

(1) The applicant's name;

(2) The date of the examination to be modified;

(3) A letter from the appropriate medical professional that:

(a) Confirms the disability; and

(b) Provides information describing the accommodations required; and

(4) A letter from the applicant's education program, indicating what modifications, if any, were granted by the program.

B. The applicant shall send the request for modification and supporting documentation to the Board by the application deadline.

C. The Board reserves the right to review each special needs application and evaluate each on its individual merit.

D. The applicant may be required to bear the cost of special arrangements or procedures to accommodate the applicant's special needs.

10.43.10 Chiropractic — Monetary Penalties

Authority: Health Occupations Article, §3-314, Annotated Code of Maryland

.01 Scope.

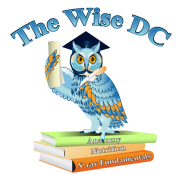
This chapter establishes standards for the imposition of penalties not exceeding \$5,000 against any chiropractor in the State if, after a hearing, the Board finds that there are grounds under Health Occupations Article, §3-313, Annotated Code of Maryland, to suspend or revoke a license.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the State Board of Chiropractic and Massage Therapy Examiners.



(2) "License" means a license issued by the Board to practice chiropractic or to practice chiropractic with the right to practice physical therapy.

(3) "Licensee" means a chiropractor who is licensed by the Board to practice chiropractic or to practice chiropractic with the right to practice physical therapy.

(4) "Penalty" means monetary penalty.

.03 Imposition of a Penalty — General.

A. Imposition of a Penalty After a Hearing. If, after a hearing under Health Occupations Article, §3-315, Annotated Code of Maryland, the Board finds that there are grounds under Health Occupations Article, §3-313, to suspend or revoke a license, the Board may impose a penalty of not more than \$5,000:

(1) Instead of, or in addition to, suspending the license; or

(2) In addition to revoking the license.

B. Imposition of a Penalty Without a Hearing. If, after disciplinary procedures have been brought against a licensee, the licensee waives the right to a hearing required under this subtitle, and if the Board finds that there are grounds under Health Occupations Article, §3-313, Annotated Code of Maryland, to reprimand the licensee, place the licensee on probation, or suspend or revoke a license, the Board may impose a penalty not exceeding \$5,000 for each violation in addition to reprimanding, placing the licensee on probation, or suspending or revoking the license.

.04 Imposition of a Penalty on a Chiropractor.

A. The Board may impose a penalty of not less than \$100 or more than \$2,000 on a chiropractor found guilty of any of the following, if the chiropractor:

(1) Willfully fails to file or record a report as required by law; or

(2) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive.

B. The Board may impose a penalty of not less than \$300 or more than \$3,500 on a chiropractor found guilty of any of the following, if the chiropractor:

(1) Practices chiropractic under a false name or trade name;

(2) Provides professional services while:

(a) Under the influence of alcohol; or

(b) Using any narcotic or controlled dangerous substance as defined in Criminal Law Article, Title 5, Subtitle 4, Annotated Code of Maryland, or other drug that is in excess of therapeutic amounts, or without valid medical indication;

(3) Solicits or advertises in a false or misleading manner, or in any other manner not approved by the Board;

(4) Abandons a patient;

(5) Misrepresents the effectiveness of any treatment, drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;

(6) Willfully impedes or obstructs the filing or recording of a report, or induces another to fail to file or record the report;

(7) Pays or agrees to pay a sum to an individual for bringing or referring a patient; or

(8) Violates any rule or regulation adopted by the Board.

C. The Board may impose a penalty of not less than \$500 or more than \$5,000 on a chiropractor found guilty of any of the following:

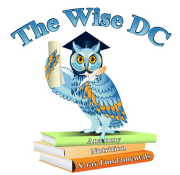
(1) Fraudulently or deceptively obtaining or attempting to obtain a license for the applicant or licensee, or for another;

(2) Fraudulently or deceptively using a license;

(3) Impersonating another practitioner;

(4) Having been convicted of or pleading guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether any appeal or other proceeding is pending to have the conviction or plea set aside;

(5) Unethically conducting the practice of chiropractic;



- (6) Being professionally, physically, or mentally incompetent;
- (7) Grossly and willfully:
 - (a) Overcharging for professional services; or
 - (b) Submitting false statements to collect fees for which services are not provided;
- (8) Having been disciplined by a licensing or disciplinary authority of any other state or country or convicted by a court of any state or country for an act that would be grounds for disciplinary action under Health Occupations Article, §3-313, Annotated Code of Maryland;
- (9) Practicing chiropractic with an unauthorized individual or supervising or aiding an unauthorized individual in the practice of chiropractic;
- (10) Behaving immorally in the practice of chiropractic; or
- (11) Committing an act of unprofessional conduct in the practice of chiropractic.

.05 Factors to be Considered in the Assessment of a Penalty.

In those cases in which the Board determines that the imposition of a penalty is appropriate, the Board shall take into consideration the following factors, without limitations, in determining the amount of penalty:

- A. The extent to which the chiropractor derived any financial benefit from unprofessional or improper conduct;
- B. The willfulness of the unprofessional or improper conduct;
- C. The extent of actual or potential public harm caused by the unprofessional or improper conduct; and
- D. The cost of investigating and prosecuting the case against the chiropractor.

.06 Payment of a Penalty.

- A. A chiropractor shall pay to the Board a penalty imposed under these regulations as of the date the Board's order is issued, unless the Board's order specifies otherwise.
- B. Filing an appeal under State Government Article, §10-215, Annotated Code of Maryland, or Health Occupations Article, §3-316, Annotated Code of Maryland, does not automatically stay payment of a penalty imposed by the Board pursuant to these regulations.
- C. If a chiropractor fails to pay, in whole or in part, a penalty imposed by the Board pursuant to these regulations, the Board may not restore, reinstate, or renew a license until the penalty has been paid in full.
- D. In its discretion, the Board may refer all cases of delinquent payment to the Central Collection Unit of the Department of Budget and Fiscal Planning to institute and maintain proceedings to ensure prompt payment.
- E. The Board shall pay all monies collected pursuant to these regulations into the State's General Fund.

10.43.11 Chiropractic — Continuing Education Requirements

Authority: Health Occupations Article, §§3-308 and 3-313, Annotated Code of Maryland

.01 Scope.

This chapter governs continuing education for all individuals licensed to practice chiropractic in Maryland.

.02 Definitions.

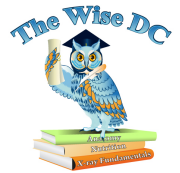
A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Board" means the Maryland Board of Chiropractic and Massage Therapy Examiners.
- (2) "Credit hour" means 1 program hour.
- (3) "Licensee" means a chiropractor licensed by the Board.
- (4) "Sponsor" means the Maryland Chiropractic Association, the American Chiropractic Association, the International Chiropractors Association, schools or colleges accredited by the Council on Chiropractic Education (CCE), agencies approved by the Board of Physician Quality Assurance, and schools and organizations approved by the Board.

.03 License Renewal.

- A. A licensee shall complete 48 hours of continuing education in the 2-year period before each renewal and provide verification to the Board if requested.
- B. The licensee shall obtain a minimum of:



- (1) 3 hours in approved communicable-disease and sanitary procedures;
- (2) 1 hour in diversity education;
- (3) 3 hours in risk management; and
- (4) 1 hour in jurisprudence.

C. The Board may refuse to renew the license of any chiropractor who fails to comply with this chapter.

D. The Board shall conduct an audit of licensees before or during the renewal period to ensure compliance with this chapter.

.04 Accreditation.

A. The Board shall base the accreditation of continuing education programs solely upon their content. The Board shall ensure that these programs are directed toward improvement, advancement, and extension of professional skill and knowledge relating to the practice of chiropractic.

B. The Board may approve credit for the following, after reviewing the program content:

- (1) Courses sponsored by the Maryland Chiropractic Association;
- (2) Courses sponsored by the American Chiropractic Association or the International Chiropractors Association;
- (3) Courses offered or cosponsored by schools or colleges accredited by the CCE;
- (4) Course hours approved by the Board of Physician Quality Assurance for continuing medical education; or
- (5) Other sponsored programs and courses determined by the Board to meet the professional standards of chiropractic.

C. The continuing medical education courses described in §B(4) of this regulation may not exceed 12 hours during any renewal period.

D. The sponsor of a continuing education course or the licensee shall apply for approval of the course by the Board at least 90 days before the starting date of the course, and shall submit the following written information to the Board:

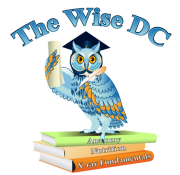
- (1) Title, location, and dates of the course;
- (2) Sponsor;
- (3) Course objective;
- (4) Hours of study;
- (5) Name or names of the instructor or instructors;
- (6) Instructor's educational background and experience;
- (7) Name of the attendance-certifying officer and the method of certification;
- (8) Required textbooks or equipment;
- (9) Course syllabus; and
- (10) Number of credits.

E. After review of program content, the Board shall send the sponsor or licensee making the application a letter of:

- (1) Approval, containing the title of the course, the dates of the course, and the number of hours credited; or
- (2) Denial, stating the reasons for denial.

F. The Board may approve, for license renewal credit, a program consisting of one of the following subjects or a combination of these subjects:

- (1) Chiropractic principles and adjusting techniques;
- (2) Chiropractic ethics and jurisprudence;
- (3) X-ray quality assurance program;
- (4) Diagnostic imaging;
- (5) Physical diagnosis;
- (6) Clinical laboratory diagnosis;
- (7) Orthopedic diagnosis;
- (8) Neurological diagnosis;



- (9) Rehabilitative procedures;
- (10) Nutritional procedures;
- (11) Physical therapy;
- (12) Risk management;
- (13) Cultural competency or diversity awareness; or
- (14) A subject with clinical application approved by the Board.

G. A licensee shall maintain current certification of cardiopulmonary resuscitation (CPR) at the healthcare provider level of the American Red Cross or American Heart Association or their authorized agents for each renewal period in addition to the 48 hours of continuing education.

H. Approved credits are not transferable and are acceptable toward fulfillment of the continuing education requirement only in the renewal period in which they are earned.

.05 Substantiation of Credits.

A. The licensee shall keep accurate records of attendance at approved continuing education programs and be able to substantiate those records upon request.

B. The Board shall conduct a random audit before or during the license renewal period to ensure compliance with this chapter.

C. The Board shall disallow the continuing education credits for a licensee who is unable to substantiate the credits and may refuse to renew the license if credits are disallowed.

D. The Board may require additional verification or verify independently any information received regarding content and certification of, and attendance at, a continuing education program.

E. The Board may grant an extension of time for the licensee to obtain required continuing education credits if the licensee presents evidence satisfactory to the Board that failure to comply was due to circumstances beyond the licensee's control.

F. The Board may not accept continuing education credits from a previous renewal period.

G. The Board shall renew a license for the first renewal period following the issuance of the original license without requiring continuing education credits if the original license was issued 1 year or less before the expiration date of the license.

H. A licensee shall maintain complete and accurate records of the licensee's continuing education credits for the preceding 4 years and present them to the Board upon request.

I. The Board may waive the continuing education requirements when it determines that the licensee was unable to comply due to hardship.

J. The Board may institute disciplinary action, pursuant to Health Occupations Article, §3-313, Annotated Code of Maryland, against a chiropractor who submits fraudulent information to the Board.

10.43.12 Chiropractic — Licensure Examination

Authority: Health Occupations Article, §§3-202, 3-205, and 3-301—3-304, Annotated Code of Maryland

.01 Scope.

This chapter establishes the requirements for licensure by examination for all applicants, except applicants who qualify for licensure under Health Occupations Article, §3-305, Annotated Code of Maryland.

.02 Definitions.

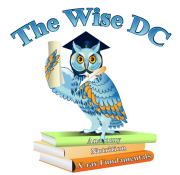
A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Accredited college" means a chiropractic school approved by the Council on Chiropractic Education, or its successor, and approved by the Board.

(2) "Board" means the State Board of Chiropractic and Massage Therapy Examiners.

(3) "Letter of admission" means a document sent by the Board to the applicant approving the applicant's request to take the licensure examination.



(4) "Maryland Board examination" means the jurisprudence examination administered by the Board to measure competency under Health Occupations Article, Title 3, Annotated Code of Maryland, and COMAR 10.43.01—19.

(5) "National Board examination" means the written tests administered by the National Board of Chiropractic Examiners to measure competency in chiropractic.

.03 Application for Examination and Licensure.

A. An individual is eligible to take the Maryland Board examination for licensure if the individual, at least 45 days before the examination, submits documentation verifying that the individual has:

- (1) Been awarded a bachelor's degree from a Board-recognized, accredited college;
- (2) Graduated from a college of chiropractic approved by the Board, pursuant to Health Occupations Article, §3-402, Annotated Code of Maryland;
- (3) Successfully completed parts one and two of the National Board examination with a passing score established by the National Board of Chiropractic Examiners, and all other parts with a passing score of at least 75 percent;
- (4) Provided two letters of reference attesting to the applicant's good moral character;
- (5) Certified or affirmed that the individual has not practiced chiropractic without a license in the State;
- (6) Filed an application and paid the required application fee as specified in COMAR 10.43.06; and
- (7) Paid the required examination fee as specified in COMAR 10.43.06.

B. The Board may not refund an application fee.

C. The Board shall refund the examination fee to an applicant whom the Board determines is not qualified to take the examination.

D. The Board shall send to an approved applicant a letter of admission to the examination.

E. The Board may refund examination fees to an applicant unable to be present for the examination if the applicant submits verification of hardship and a written request for a refund.

.04 Physical Therapy Privileges.

An applicant seeking physical therapy privileges shall have obtained:

- A. A minimum of 270 hours of instruction in physical therapy; and
- B. A minimum score of 75 percent on the National Board Physiotherapy Examination.

.05 Examination Misconduct.

After a hearing, the Board may permanently deny licensure to an applicant found to have cheated on or subverted an examination taken to qualify for Maryland licensure.

10.43.13 Chiropractic and Massage Therapy — Procedures for Clinical Demonstrations in Public Places

Authority: Health Occupations Article, §3-205, Annotated Code of Maryland

.01 Scope.

This chapter governs all chiropractic clinical demonstrations in public places by licensed chiropractors in Maryland.

.02 Definitions.

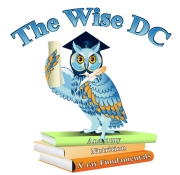
A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Chiropractic display facility" means an area where chiropractic procedures are demonstrated.
- (2) "Chiropractic procedure" means examinations, mensurations, analyses, evaluations, screenings, or clinical determinations related to the practice of chiropractic in a public place.
- (3) "Cursory postural screening" means a visualization, by a licensed chiropractor, of an individual's posture to detect possible structural deviations.
- (4) "Demonstration" means performing chiropractic procedures in public places.

.03 Chiropractic Demonstrations in Public Places.

A. When performing chiropractic procedures in a public place, the chiropractor shall:



- (1) Prominently display the chiropractor's current license;
- (2) Provide adequate facilities for patients to disrobe;
- (3) Ensure that the patient is properly draped for examination; and
- (4) Maintain the privacy of the patient at all times.

B. The chiropractor may perform a cursory postural screening while the patient is fully clothed.

.04 Chiropractic Display Facilities in Public Places.

For procedures that require partial or complete disrobing of the patient, the chiropractor shall ensure that the chiropractic display facility:

- A. Has a partition that is at least 7 feet high from the floor;
- B. Has a ceiling, when necessary, to protect the patient's privacy;
- C. Provides a space at least 8 feet by 10 feet; and
- D. Is opaque and obscures from view any shadow or silhouette of the patient and chiropractor.

.05 Prohibitions.

An unlicensed individual may not perform chiropractic procedures in public places.

.06 Exceptions.

This chapter does not preclude a salesperson from demonstrating chiropractic equipment during a convention or educational seminar.

.07 Penalty.

The Board may initiate disciplinary proceedings, pursuant to Health Occupations Article, §3-313, Annotated Code of Maryland, against a chiropractor found in violation of this chapter.

10.43.14 Chiropractic — Code of Ethics

Authority: Health Occupations Article, §§1-212, 3-205, and 3-313, Annotated Code of Maryland

.01 Scope.

This chapter applies to licensed chiropractors and registered chiropractic assistants.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Chiropractic assistant" means an individual who is registered by the Board to perform the duties authorized under COMAR 10.43.07.

(2) "Chiropractor" means an individual licensed by the Board:

(a) To practice chiropractic; or

(b) To practice chiropractic with the right to practice physical therapy.

(3) "Non-bona-fide treatment" means when a chiropractor or chiropractic assistant treats or examines a patient in a way that involves sexual contact, but there is no medical reason for the procedure, or the procedure falls outside the scope of reasonable chiropractic practices.

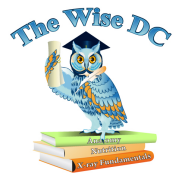
(4) "Sexually exploitative relationship" means when sexual contact occurs in an existing therapeutic relationship or within a period of time after formal termination of the relationship when the patient may still be vulnerable to the power imbalance that exists in the practitioner-patient relationship, even if the relationship may appear to be or is mutually consensual.

(5) "Therapeutic deception" means when a chiropractor or chiropractic assistant misrepresents sexual conduct as a legitimate form of treatment.

.03 Standards of Practice.

A. A chiropractor and chiropractic assistant shall concern themselves primarily with the welfare of the patient.

B. A chiropractor or chiropractic assistant who suffers from a physical, mental, or emotional impairment, including chemical abuse, that impacts the individual's ability to practice chiropractic or provide chiropractic assistance shall seek professional treatment and refrain from the practice of chiropractic or the practice of chiropractic assistance until the impairment no longer exists or reasonable accommodations can be made.



C. A chiropractor and chiropractic assistant shall:

- (1) Use professional discretion and integrity in relationships with a member of the health care community;
- (2) Be professional in conduct, with honesty, integrity, self-respect, and fairness;
- (3) Remain free from conflict of interest while fulfilling the objectives and maintaining the integrity of the chiropractic profession;
- (4) Provide accurate fee information to the patient, the individual responsible for payment for treatment, and the insurer;
- (5) At all times respect the patient's dignity, autonomy, and privacy;
- (6) Practice chiropractic only as defined in the scope of practice set forth in Health Occupations Article, §3-101(f) and (g), Annotated Code of Maryland;
- (7) Provide chiropractic assistance only within the parameters set forth in Health Occupations Article, §3-404, Annotated Code of Maryland, and COMAR 10.43.07;
- (8) Cooperate with any lawful investigation conducted by the Board, including:
 - (a) Furnishing information requested;
 - (b) Complying with a subpoena;
 - (c) Responding to a complaint at the request of the Board; and
 - (d) Providing meaningful and timely access to relevant patient records; and
- (9) Report to the Board, or other appropriate authority, conduct in the practice of chiropractic that indicates a violation of:
 - (a) This chapter;
 - (b) Health Occupations Article, Title 3, Annotated Code of Maryland; or
 - (c) Any other law, including but not limited to aiding or abetting the unauthorized practice of chiropractic.

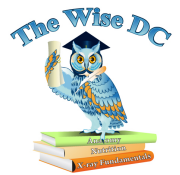
D. A chiropractor or chiropractic assistant may not:

- (1) Misrepresent credentials, qualifications, or affiliations and shall attempt to correct others who misrepresent the chiropractor's or the chiropractic assistant's credentials, qualifications, or affiliations;
- (2) Knowingly engage in or condone behavior that is fraudulent, dishonest, or deceitful, or involves moral turpitude;
- (3) Engage in a commercial activity which conflicts with the duties of a chiropractor and chiropractic assistant;
- (4) Perform chiropractic on a patient if a contraindication against chiropractic treatment exists;
- (5) Discriminate against a patient or a health care provider based on race, religion, age, gender, sexual orientation, national origin, or disability;
- (6) Intimidate, threaten, influence, or attempt to influence any person regarding any violation of law or regulation; or
- (7) Aid or abet any individual violating or attempting to violate any provision of law or regulation.

.04 Relationship with Patient.

A. A chiropractor shall:

- (1) Use professional judgment in the use of evaluation and treatment procedures;
- (2) Decline to administer treatment if the chiropractor believes that a treatment is contraindicated or unjustified;
- (3) Terminate a professional relationship with a patient in an appropriate manner, such as:
 - (a) Providing the patient with sufficient notice to permit the patient to obtain the services of another professional;
 - (b) Assisting the patient by providing referrals if appropriate; or
 - (c) Continuing to provide emergency treatment to the patient if treatment is required before a reasonable time has passed to allow the patient to obtain the services of another health care provider;
- (4) Maintain a written record of treatment of the patient under the chiropractor's care for at least:
 - (a) 5 years after the termination of treatment; and
 - (b) 5 years after the patient becomes 18 years old, if applicable;



- (5) Make the written records of treatment available to the patient upon request, in compliance with applicable laws for disclosure of medical records;
- (6) Make arrangements for another professional to provide for the needs of the patient during anticipated absences when the chiropractor is unavailable to the patient;
- (7) Make referrals only to other qualified and duly licensed health care providers;
- (8) Accurately inform the patient, other health care professionals, and the public of the limitations of the practice of chiropractic;
- (9) Adequately assess the patient to determine if contraindications against chiropractic treatment exist and refer the patient to an appropriate health care practitioner;
- (10) Exercise independent professional judgment in the treatment or evaluation of the patient regardless of whether the patient was referred by another health care provider;
- (11) Ensure clear and concise professional communications with patients regarding:
 - (a) Nature and duration of treatment;
 - (b) Diagnoses;
 - (c) Costs;
 - (d) Billing; and
 - (e) Insurance; and
- (12) Administer fair and equitable fees to patients regardless of status or insurance.

B. A chiropractor may not:

- (1) Accept a client for treatment, or continue unnecessary treatment, when the patient cannot be reasonably expected to benefit from the treatment;
- (2) Receive remuneration from, or provide remuneration to, or split a fee, for either making or accepting a referral of the patient to or from another health care provider;
- (3) Make a guarantee or promise about the efficacy of a particular treatment, the chiropractor's practice, or the result of a treatment unless supported by scientific principles accepted by the profession; or
- (4) Exploit the professional relationship by:
 - (a) Continuing treatment unnecessarily; or
 - (b) Charging for a service:
 - (i) Not provided; or
 - (ii) Different from those actually provided.

.05 Professional Boundaries.

A. A chiropractor and chiropractic assistant shall:

- (1) Maintain professional boundaries, even when the patient initiates crossing the boundaries of the professional relationship; and
- (2) Respect and maintain professional boundaries and respect the patient's reasonable expectation of professional conduct.

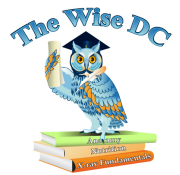
B. A chiropractor and chiropractic assistant may not:

- (1) Exploit a relationship with a patient for the chiropractor's or chiropractic assistant's personal advantage including, but not limited to, a personal, sexual, romantic, or financial relationship;
- (2) Engage in a sexually intimate act with a patient; or
- (3) Engage in sexual misconduct, which includes but is not limited to:
 - (a) Therapeutic deception;
 - (b) Non-bona-fide treatment; and
 - (c) A sexually exploitative relationship.

.06 Records, Confidentiality, and Informed Consent.

A chiropractor shall:

- A. Respect and maintain the privacy and confidentiality of the patient;
- B. Disclose the patient's records or information about the patient only with the patient's consent or as required by law;



- C. Adequately safeguard confidential patient information, including storage and disposal of records;
- D. Provide sufficient information to a patient to allow the patient to make an informed decision regarding treatment, including:
 - (1) The purpose and nature of an evaluation or treatment regimen;
 - (2) Alternatives to treatment;
 - (3) Side effects and benefits of a treatment regimen proposed and alternatives to that treatment;
 - (4) The estimated cost of treatment and alternatives to treatment;
 - (5) The right of the patient to withdraw from treatment at any time, including the risks associated with withdrawing from treatment; and
 - (6) The patient's right to decline to participate in treatment if an aspect of the treatment will be recorded, documented, photographed, observed, or otherwise used in an educational program;
- E. Obtain the full informed consent of a patient participating in a human research program, without communicating a direct or implied penalty for the patient's refusal to participate in the program and with due regard for the patient's autonomy and dignity;
- F. Comply with applicable federal and State laws for human research programs; and
- G. Promptly and efficiently respond to any patient or Board request for records.

.07 Education and Training.

A. A chiropractor or chiropractic assistant shall:

- (1) Obtain additional training, information, and supervision as needed to perform a new technique or service in a new specialty area or when employing a new treatment modality; and
- (2) Be current in the qualifications to practice, including meeting continuing education requirements established by the Board.

B. The chiropractor or chiropractic assistant may not perform a treatment or provide a service that the chiropractor or chiropractic assistant is not qualified to perform or which is beyond the scope of the chiropractor's or chiropractic assistant's education, training, capabilities, experience, and scope of practice.

.08 Advertising.

A. A chiropractor may advertise services subject to COMAR 10.43.03.

B. A chiropractor is accountable under this regulation if the chiropractor uses an agent, partnership, professional association, or health maintenance organization to implement an action prohibited by COMAR 10.43.03.05.

.09 Ethical, Legal, and Professional Responsibilities.

A chiropractor and chiropractic assistant may not construe any failure to specify a particular ethical, legal, or professional duty in this chapter as a denial of the existence of other ethical, legal, or professional duties or responsibilities that are equally as important and generally recognized in the chiropractic profession.

.10 Penalties.

Violation of a regulation in this chapter may result in the Board taking action pursuant to Health Occupations Article, §3-313, Annotated Code of Maryland.

10.43.15 Chiropractic — Record Keeping

Authority: Health Occupations Article, §3-205, Annotated Code of Maryland

.01 Scope.

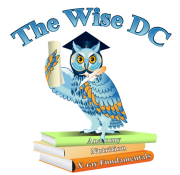
This chapter establishes the minimum standards for the documentation of patient care by the chiropractor.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Board" means the Maryland Board of Chiropractic and Massage Therapy Examiners.
- (2) "Diagnosis" means the determination by the chiropractor of the nature and cause of a disease or injury through evaluation of patient history, examination, and review of any laboratory and radiological data.



(3) "Examination" means varied procedures such as analysis, assessment, and evaluation performed by the chiropractor to determine a diagnosis.

(4) "History" means the patient's account of past, present, and familial health.

(5) "Subjective, objective, assessment, and plan (SOAP) notes" means the written record maintained by the chiropractor of:

- (a) The patient's qualitative or quantitative description of the patient's condition;
- (b) Findings pertaining to the patient's condition based on examination and tests;
- (c) The chiropractor's clinical opinion of the condition; and
- (d) Instructions given to the patient, orthopedic appliances provided to the patient with instructions for usage, and recommendations for treatment, including modalities used and areas treated.

.03 Record Keeping.

A. The chiropractor shall maintain accurate, detailed, legible, and organized records, documenting all data collected pertaining to the patient's health status.

B. The chiropractor may not erase, alter, or conceal patient records but shall initial and date any changes made in the corresponding margin.

C. The Patient Record.

(1) The chiropractor shall create a record for each patient.

(2) The chiropractor shall state the patient's name or identification number on each document contained in the patient record.

(3) The chiropractor shall include the following information in the patient record:

- (a) Chiropractor and clinic name identification;
 - (b) Patient history;
 - (c) Examination findings;
 - (d) Diagnoses;
 - (e) Treatment plan;
 - (f) SOAP notes;
 - (g) Financial records;
 - (h) Records of telephone conversations;
 - (i) Copies of correspondence and reports sent to other health care providers, diagnostic facilities, and legal representatives;
 - (j) Records and reports provided by other health care providers and diagnostic facilities; and
 - (k) The signed consent of the patient or the parent or guardian of a minor patient or incompetent patient.
- D. Correspondence. The chiropractor shall identify the name of the attending chiropractor, clinic name, address, and telephone number on patient records and reports sent to another health care provider.

E. Maintenance and Release of Patient Records.

(1) The chiropractor shall keep confidential all information contained in the patient file, in accordance with Health-General Article, Title 4, Subtitle 3, Annotated Code of Maryland.

(2) The chiropractor shall release patient records when release is:

- (a) Authorized by the patient in writing; or
- (b) Compelled by law.

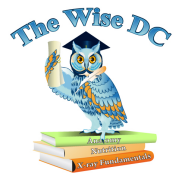
(3) The chiropractor may assess fees for duplicating patient records for the patient or for another health care provider in accordance with Health-General Article, §4-304, Annotated Code of Maryland.

(4) The chiropractor shall maintain records in accordance with Health-General Article, §4-403, Annotated Code of Maryland.

.04 Supervisory Responsibilities.

A. The chiropractor is responsible for record keeping, consent forms, billing, and other patient-related documentation handled, maintained, or managed by the chiropractor's staff.

B. The chiropractor shall ensure that employees involved in the preparation, organization, and filing of records adhere to the regulations of this chapter.



.05 Patient History.

The chiropractor shall include the following in the patient history:

A. Personal data, including:

- (1) Name,
- (2) Address,
- (3) Telephone number,
- (4) Date of birth,
- (5) Race,
- (6) Sex, and
- (7) Current occupation;

B. Complaint or complaints, including:

- (1) Description of the complaint or complaints,
- (2) Quality and character of the complaint or complaints,
- (3) Intensity,
- (4) Frequency,
- (5) Location,
- (6) Radiation,
- (7) Onset,
- (8) Duration,
- (9) Palliative and provocative factors, and
- (10) History of present complaint or complaints;

C. Family health history;

D. Past health history, including:

- (1) General state of health,
- (2) Previous illnesses,
- (3) Surgical history,
- (4) Previous injuries,
- (5) Hospitalizations,
- (6) Previous treatment and diagnostic testing,
- (7) Prescribed and nonprescribed medications and supplements,
- (8) Allergies, and
- (9) Mental illness;

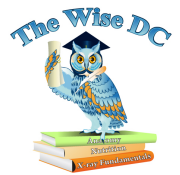
E. Systems review, including:

- (1) Musculoskeletal,
- (2) Cardiovascular,
- (3) Respiratory,
- (4) Gastrointestinal,
- (5) Neurological,
- (6) Ophthalmological,
- (7) Otolaryngological,
- (8) Endocrine,
- (9) Peripheral vascular, and
- (10) Psychiatric; and

F. Personal history, including:

- (1) Occupational,
- (2) Activities,
- (3) Exercise, and
- (4) Health habits.

.06 Penalties.



Violation of this chapter may result in disciplinary action against the chiropractor, as set forth in Health Occupations Article, §3-313, Annotated Code of Maryland.

10.43.17 Massage Therapy – General Regulations

Authority: Health Occupations Article, §§3-5A-01, 3-5A-02, 3-5A-05, 3-5A-06, 3-5A-07, 3-5A-09, and 3-5A-12, Annotated Code of Maryland

.01 Scope.

Except as specifically provided in this chapter, this chapter does not limit the right of an individual to:

- A. Practice a health occupation that the individual is otherwise authorized to practice under the Health Occupations Article, Annotated Code of Maryland; or
- B. Advertise an occupation that the individual is otherwise authorized to practice under the Health Occupations Article, Annotated Code of Maryland.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the State Board of Chiropractic and Massage Therapy Examiners.

(2) "Health care facility" has the meaning stated in Health-General Article, §19-114(d), Annotated Code of Maryland.

(3) "License" means the document issued by the Board to an individual qualified to practice massage therapy.

(4) "Licensed massage therapist" means an individual who is licensed by the Board to practice massage therapy.

(5) "Maryland Massage Therapy Jurisprudence Examination" means the test developed by the Board to assess an applicant's knowledge of the statute and regulations governing massage therapy in the State.

(6) Massage Therapy.

(a) "Massage therapy" means the use of manual techniques on soft tissues of the human body including effleurage (stroking), petrissage (kneading), tapotement (tapping), stretching, compression, vibration, and friction.

(b) "Massage therapy" includes massage, myotherapy, and synonyms or derivatives of these terms, with or without the aid of:

(i) Cold packs;

(ii) Nonlegend topical applications; or

(iii) Heat limited to hot packs and heating pads.

(c) "Massage therapy" does not include the:

(i) Diagnosis or treatment of illness, disease, or injury;

(ii) Adjustment, manipulation, or mobilization of any of the articulations of the osseous structures of the body or spine; or

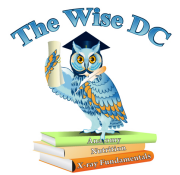
(iii) Laying on of hands, consisting of pressure or movement, with the exception of such techniques described in §B(7)(a) of this regulation on a fully clothed individual to specifically affect the electromagnetic energy or energetic field of the human body.

(7) "Massage therapy education program" means a course of study that prepares individuals in subjects related to the knowledge, techniques, skills, and abilities used in the practice of massage therapy.

(8) "Practice massage therapy" means to engage professionally and for compensation in massage therapy.

(9) "Practice non-therapeutic massage" means to engage professionally and for compensation in massage therapy in a setting that is not a health care facility.

(10) "Registered massage practitioner" means an individual who is registered by the Board to practice non-therapeutic massage.



(11) "Registration" means, unless the context requires otherwise, a document issued by the Board to practice non-therapeutic massage.

.03 Licensure or Registration Required; Exceptions.

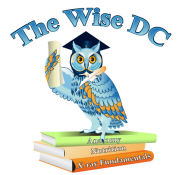
An individual shall be licensed by the Board in order to practice massage therapy, and shall be registered by the Board in order to practice non-therapeutic massage, except for the following:

- A. A student enrolled in an approved education program as determined by the Board while performing massage therapy in the program;
- B. An individual who has qualified to practice massage therapy in another state or country that has substantially similar requirements for authorization to practice massage therapy as determined by the Board, and the individual is in Maryland for not more than 7 consecutive days, or a total of 30 days during a period of 1 calendar year;
- C. A family member performing massage therapy on another family member;
- D. An athletic trainer while functioning in the scope of the athletic trainer's professional capacity;
- E. An individual employed by the federal government to practice massage therapy while practicing within the scope of the individual's employment; or
- F. An individual working in a beauty salon for which the person who operates the beauty salon has obtained a permit from the State Board of Cosmetology as required under Business Occupations and Professions Article, §5-501, Annotated Code of Maryland, if the individual is practicing within the scope of a license issued by the State Board of Cosmetology.

.04 Application for Certification Licensure or Registration.

A. An applicant for licensure or registration to practice massage therapy shall:

- (1) Complete the application provided by the Board;
- (2) Pay the application fee as specified in COMAR 10.43.06;
- (3) Submit two recent 2 inch × 2 inch passport type photographs of the applicant;
- (4) Provide evidence that the applicant is:
 - (a) Of good moral character; and
 - (b) 18 years old or older;
- (5) Pass the Maryland Massage Therapy Jurisprudence Examination, which is administered by the Board, with a score of at least 75 percent;
- (6) Have sent directly to the Board by the administering authority proof of:
 - (a) Having passed:
 - (i) The National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) examination; or
 - (ii) The National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) Asian Bodywork Therapy examination; or
 - (b) The results of an examination approved by the Board;
- (7) Have certified copies of transcripts sent directly to the Board from the schools the applicant graduated from that documents completion of at least 500 classroom hours in a massage therapy education program that is:
 - (a) Approved by the Maryland Higher Education Commission (MHEC) or by the higher education commission or comparable authority of the state or country in which the applicant's school is located; and
 - (b) Accredited by the Commission on Massage Therapy Accreditation (COMTA) or approved or accredited by an accrediting agency recognized by the United States Department of Education, with the instructors teaching massage related curriculum:
 - (i) Certified by the National Certification Board of Therapeutic Massage Body Work (NCBTMB); and
 - (ii) Licensed or certified in the instructors' state of residence, if applicable;
- (8) Provide an official sealed transcript of satisfactory completion of at least 60 credit hours of education at an institution of higher education as defined in Education Article, §10-101, Annotated Code of Maryland, and approved by the Board and MHEC or comparable authority in the state in which the school is located; and



(9) Have verification of status sent directly to the Board by the issuing state, if certified, licensed, or registered to practice massage therapy in another state.

B. An applicant for registration to practice nontherapeutic massage shall:

- (1) Complete the application provided by the Board;
- (2) Pay the application fee as specified in COMAR 10.43.06; and
- (3) Satisfy the requirements set forth in §A(3)—(7) and (9) of this regulation.

.05 Required Education and Training.

A. Classroom Training.

(1) Of the minimum 500 hours classroom training required in Regulation .04A(7) of this chapter:

(a) At least 100 hours shall consist of:

- (i) Anatomy;
- (ii) Physiology;
- (iii) Pathology; and
- (iv) Kinesiology; and

(b) The remaining 400 hours shall include a majority of hours in:

- (i) Massage therapy theory;
- (ii) Technique;
- (iii) Supervised practice;
- (iv) Professional ethics;
- (v) Professional standards;
- (vi) Business practices;
- (vii) Health and hygiene; and
- (viii) Contraindications of massage.

(2) Cardiopulmonary resuscitation (CPR) and first aid shall be included but do not count toward the 500-hour minimum.

(3) An applicant may attend more than one training institution, if the applicant graduates from a school requiring satisfactory completion of a minimum of 500 classroom hours in massage therapy education.

(4) Correspondence courses are not recognized by the Board.

B. Education and Training in a Foreign Country.

(1) The Board may grant a license to practice massage therapy or a registration to practice non-therapeutic massage to an applicant who completed an educational program in a foreign country if the applicant:

- (a) Can demonstrate through a Board-approved certifying agency that the applicant's education and training were substantially equivalent to the requirements of Regulation .04A(7) of this chapter and §A of this regulation through a Board-approved certifying agency; and
- (b) Meets the examination and other requirements of this chapter.

(2) The Board may interview an applicant under this section to determine whether the applicant's education and training meet the requirements of this chapter.

(3) An applicant shall arrange and pay for the professional translation into English of all documentation required under this chapter if the documentation is in a language other than English.

.06 Licensure.

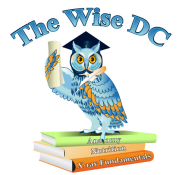
A. The Board shall:

(1) Issue a license to an approved applicant that:

- (a) Is not valid for more than 2 years, and
- (b) Expires on the date set by the Board; or

(2) Notify an applicant not approved for licensure by letter which specifies the reason or reasons for disapproval.

B. The license holder shall notify the Board of any change in the name or address of the license holder, in writing, within 60 days after the change occurs.



C. Display of License. A license holder shall display the license and any current renewal license conspicuously in the space where the license holder is engaged in practice, including in any temporary space or in any exhibit location.

.07 Registration.

A. The Board shall:

(1) Issue a registration to an approved applicant that:

- (a) Is not valid for more than 2 years, and
- (b) Expires on the date set by the Board; or

(2) Notify an applicant not approved for registration, by a letter which specifies the reason or reasons for disapproval.

B. The registration holder shall notify the Board, in writing, of any change in the name or address of the registration holder within 60 days after the change occurs.

C. Display of Registration. A registration holder shall display the registration and any current renewal registration conspicuously in the space where the registration holder is engaged in practice, including in any temporary space or in any exhibit location.

.08 Renewals.

A. The Board shall send each license and registration holder a renewal notice that states the:

- (1) Date on which the current license or current registration expires;
- (2) Latest date by which the renewal application and documentation can be received by the Board in order for the renewal license or current registration to be issued before the current license or current registration expires; and
- (3) Amount of the renewal fee as specified in COMAR 10.43.06.

B. At least 30 days before the current license or current registration expires, the Board shall send the renewal notice by first class mail to the last known address of the license or registration holder, as updated pursuant to Regulations .06B and .07B of this chapter.

C. The license or registration holder shall notify the Board of non-receipt of a renewal notice at least 15 days before the expiration date of the license or registration.

.09 Reinstatement.

A. The Board shall reinstate an individual whose license or registration has expired if the individual meets the renewal requirements of this chapter and pays the:

- (1) Late fee in addition to the renewal fee as specified in COMAR 10.43.06, if the request is received by the Board within 30 days of the expiration date of the certificate or registration; or
- (2) Late and reinstatement fees in addition to the renewal fee as specified in COMAR 10.43.06, if the request is received by the Board more than 30 days after the expiration date of the license or registration.

B. The massage therapist who fails to apply for licensure renewal within 2 years after the expiration date of the license shall meet the requirements in effect at the time of the request in order to be licensed to practice massage therapy.

C. The massage practitioner who fails to apply for registration renewal within 2 years after the expiration date of the registration shall meet the requirements in effect at the time of the request in order to be registered to practice non-therapeutic massage.

.10 Inactive Status.

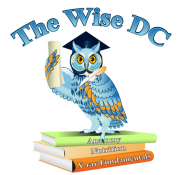
A. The Board shall place a license or registration holder on inactive status if the license or registration holder submits to the Board the:

- (1) Completed application for inactive status on the form provided by the Board; and
- (2) Biennial fee for inactive status as specified in COMAR 10.43.06.

B. The license holder on inactive status may reactivate the license at any time if the license holder pays the reactivation fee as specified in COMAR 10.43.06.

.11 Duplicate Licenses and Registrations.

The Board shall issue a duplicate license or registration to the license or registration holder if:



A. The license or registration holder has a change of name, loses or damages the original, practices in multiple locations; and

- (1) Makes the request to the Board in writing;
- (2) Provides appropriate legal documentation of the change;
- (3) Pays the fee as specified in COMAR 10.43.06; and
- (4) Surrenders the current license or registration;

B. The Board, as a result of its error, issues an incorrect license or registration and the license or registration holder:

- (1) Notifies the Board in writing within 6 weeks of receipt of the incorrect license or registration; and
- (2) Surrenders the incorrect license or registration; or

C. The license or registration holder does not receive the license or registration within 6 weeks of issuance and the license or registration holder provides a statement to the Board attesting to the nonreceipt of the license or registration within 4 months of the date the license or registration was issued by the Board.

.12 Penalties.

If a license or registration holder fails to notify the Board of a change of name or address within the time required in Regulations .06B and .07B of this chapter, subject to the hearing provisions of Health Occupations Article, §3-315, Annotated Code of Maryland, the Board may impose an administrative penalty of \$100.

10.43.18 Massage Therapy – Code of Ethics

Authority: Health Occupations Article, §§1-212, 3-5A-02, and 3-5A-09, Annotated Code of Maryland
.01 Scope.

This chapter applies to licensed massage therapists and registered massage practitioners.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

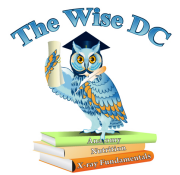
- (1) "License holder" means an individual who is licensed by the Board to practice massage therapy.
- (2) "Non bona fide treatment" means when a license holder or registration holder treats or examines a client in a way that involves sexual contact, but there is no therapeutic reason for the procedure, or the procedure falls outside of reasonable massage therapy or non-therapeutic massage practices.
- (3) "Registration holder" means an individual who is registered by the Board to practice non-therapeutic massage.
- (4) "Sexually exploitative relationship" means when sexual contact occurs in an existing therapeutic relationship, or within a period of time after formal termination of the therapeutic relationship where the client may still be vulnerable to the power imbalance that exists in the relationship between the license holder or the registration holder and the client, even if the relationship may appear to be mutually consensual.
- (5) "Therapeutic deception" means when a license holder or registration holder misrepresents sexual conduct as a legitimate form of treatment.

.03 Standards of Practice.

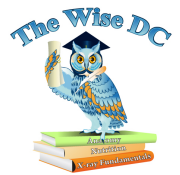
A. The license holder or registration holder shall be concerned primarily with the welfare of the client.

B. A license holder or registration holder who suffers from a physical, mental, or emotional impairment, including chemical abuse, which impacts the license holder's or registration holder's ability to practice massage therapy or non-therapeutic massage, shall proactively seek professional treatment and shall refrain from the practice of massage therapy or non-therapeutic massage until such time as the impairment no longer exists or reasonable accommodations can be made.

C. A license holder or registration holder shall:



- (1) Use professional discretion and integrity in relationships with members of the public and health care community;
 - (2) Engage in professional conduct at all times, with honesty, integrity, self-respect, and fairness;
 - (3) Remain free from conflict of interest while fulfilling the objectives and maintaining the integrity of the massage therapy profession;
 - (4) Provide accurate fee information to the client, the individual responsible for payment for treatment, and the insurer;
 - (5) At all times respect the client's dignity, autonomy, and privacy;
 - (6) Practice massage therapy or non-therapeutic massage only as defined in the scope of practice set out in Health Occupations Article, §3-5A-01, Annotated Code of Maryland;
 - (7) Cooperate with a lawful investigation conducted by the Board of Chiropractic and Massage Therapy Examiners, including:
 - (a) Furnishing information requested;
 - (b) Complying with a subpoena;
 - (c) Responding to a complaint at the request of the Board; and
 - (d) Providing meaningful and timely access to relevant client records;
 - (8) Report to the Board of Chiropractic and Massage Therapy Examiners, or other appropriate authority, conduct in the practice of massage therapy that indicates a violation of:
 - (a) This chapter;
 - (b) Health Occupations Article, Title 3, Subtitle 5A, Annotated Code of Maryland; or
 - (c) Any other law, including but not limited to aiding or abetting the unauthorized practice of massage therapy or non-therapeutic massage; and
 - (9) Attempt to correct others who misrepresent the license holder's or registration holder's credentials, qualifications, education, or affiliations.
- D. A license holder or registration holder may not:
- (1) Misrepresent professional credentials, qualifications, education, or affiliations;
 - (2) Knowingly engage in or condone behavior that:
 - (a) Is fraudulent;
 - (b) Is dishonest;
 - (c) Is deceitful; or
 - (d) Involves moral turpitude;
 - (3) Engage in a commercial activity that conflicts with the duties of a licensed massage therapist or registered massage practitioner;
 - (4) Perform massage therapy or non-therapeutic massage on a client if a contraindication against this treatment exists;
 - (5) Discriminate against a client or a health care provider based on race, religion, age, gender, sexual orientation, national origin, or disability; or
 - (6) Aid or abet any individual violating or attempting to violate any provision of law or regulation.
- .04 Relationship with Client.
- A. A license holder or registration holder shall:
- (1) Use professional judgment in the use of evaluation and treatment procedure;
 - (2) Decline to administer treatment when the treatment is contraindicated or unjustified;
 - (3) Terminate a professional relationship with a client in an appropriate manner, such as:
 - (a) Providing the client with sufficient notice to permit the client to obtain the services of another professional; or
 - (b) Assisting the client by providing referrals, if appropriate.
 - (4) Maintain legible, organized written records of treatment of any client under the care of the license holder or registration holder for at least 5 years after termination of treatment and as provided by applicable provisions of Health-General Article, Title 4, Subtitle 3, Annotated Code of Maryland;



- (5) Make the written records available to the client upon request, in compliance with applicable laws for disclosure of medical records;
- (6) Make arrangements for another professional to provide for the needs of the clients during anticipated absences when not available to clients;
- (7) Make referrals only to other qualified and duly licensed or certified health care providers or practitioners, or both;
- (8) Accurately inform clients, other health care professionals, and the public of the limitations of massage therapy and non-therapeutic massage;
- (9) Adequately assess the client to determine if contraindications against massage therapy or non-therapeutic massage exist and refer the client to an appropriate health care practitioner; and
- (10) Exercise independent professional judgment in the treatment or evaluation, or both, of clients, regardless of whether the client was referred by another health care provider.

B. A license holder or registration holder may not:

- (1) Accept a client for treatment, or continue unnecessary treatment, when the client cannot be reasonably expected to benefit from the treatment;
- (2) Receive remuneration from, or provide remuneration to, or split a fee with another health care provider or individual, or both, for either making or accepting a referral of the client to the health care provider or individual, or both;
- (3) Make a guarantee or promise about the efficacy of a particular treatment, the license holder's or registration holder's practice, or the results of a treatment unless supported by scientific principles accepted by the profession as determined by the governing board; or
- (4) Exploit the professional relationship by:
 - (a) Continuing treatment unnecessarily; or
 - (b) Charging for a service:
 - (i) Not provided; or
 - (ii) Different from those actually provided.

.05 Professional Boundaries.

A. A license holder or registration holder shall:

- (1) Maintain professional boundaries, even when the client initiates crossing the professional boundaries of the professional relationship; and
- (2) Respect and maintain professional boundaries and respect the client's reasonable expectation of professional conduct.

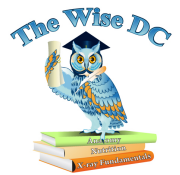
B. A license holder or registration holder may not:

- (1) Exploit a relationship with a client for the license holder's or registration holder's personal advantage, including, but not limited to, a personal, sexual, romantic, or financial relationship;
- (2) Engage in a sexually intimate act with a client; or
- (3) Engage in sexual misconduct that includes, but is not limited to:
 - (a) Therapeutic deception;
 - (b) Non bona fide treatment; or
 - (c) A sexually exploitative relationship.

.06 Records, Confidentiality, and Informed Consent.

A license holder or registration holder shall:

- A. Respect and maintain the privacy and confidentiality of the client;
- B. Disclose the client's record or information about the client only with the client's consent or as required by law;
- C. Adequately safeguard confidential client information, including storage and disposal of records;
- D. Provide sufficient information to a client to allow the client to make an informed decision regarding treatment, including:
 - (1) The purpose or nature of an evaluation or treatment regimen;



- (2) Alternatives to treatment;
- (3) Side effects and benefits of a proposed treatment regimen and the alternatives to that treatment;
- (4) The estimated cost of treatment and alternatives to treatment;
- (5) The right of the client to withdraw from treatment at any time, including the risks associated with withdrawing from treatment; and
- (6) The client's right to decline to participate in treatment if an aspect of the treatment will be recorded, documented, photographed, observed, or otherwise used in an educational program;
- E. Obtain the full informed consent of a client participating in a human research program, without a direct or implied penalty for the client's refusal to participate in the program, and with due regard for the client's autonomy and dignity;
- F. Comply with applicable federal and State laws for human research programs; and
- G. Comply with applicable provisions of Health-General Article, Title 4, Subtitle 3, Annotated Code of Maryland.

.07 Education and Training.

A. A license holder or registration holder shall:

- (1) Recognize the license holder's or registration holder's limitations and qualifications and practice massage therapy within the limits of these limitations and qualifications;
- (2) Obtain additional training, information, and supervision as needed to perform a new technique or service in a new specialty area or when employing a new treatment modality; and
- (3) Maintain a current license or registration to practice massage therapy or non-therapeutic massage.

B. The license holder or registration holder may not perform a treatment or provide a service which:

- (1) The license holder or registration holder is not qualified to perform; or
- (2) Is beyond the scope of the license holder's or registration holder's education, training, capabilities, experience, and scope of practice.

.08 Ethical, Legal, and Professional Responsibilities of Massage Therapist and Practitioners.

A license holder or registration holder may not construe a failure to specify a particular ethical, legal, or professional duty in this chapter as a denial of the existence of other ethical, legal, or professional duties or responsibilities that are equally as important and as generally recognized in the profession.

.09 Penalties.

If a license holder or registration holder violates a regulation in this chapter, the Board may take action pursuant to Health Occupations Article, §3-5A-09, Annotated Code of Maryland. The Board may also impose a penalty not exceeding \$5,000.

10.43.19 Massage Therapy – Advertising

Authority: Health Occupations Article, §§3-5A-01, 3-5A-02, 3-5A-07, and 3-5A-09; Annotated Code of Maryland

.01 Scope.

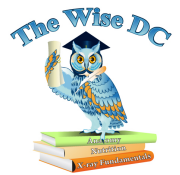
This chapter governs advertising by individuals licensed as massage therapists or registered as massage practitioners by the Board of Chiropractic and Massage Therapy Examiners in Maryland.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Advertising" means calling to the attention of the public the services one has to offer.
- (2) "Board" means the Board of Chiropractic and Massage Therapy Examiners.
- (3) "License holder" means an individual who is licensed by the Board to practice massage therapy.
- (4) "Registration holder" means an individual who is registered by the Board to practice non-therapeutic massage.



.03 Advertising.

A. A license holder or registration holder may advertise massage services subject to the provisions of this chapter.

B. The license holder or registration holder shall state in the advertisement that the:

- (1) License holder is a "State of Maryland licensed massage therapist"; or
- (2) Registration holder is a "State of Maryland registered massage practitioner".

C. An advertisement shall state at a minimum the:

- (1) Authorized trade name;
- (2) Practitioner's name;
- (3) Practitioner's status as a licensee or registrant; and
- (4) Practice address and telephone number.

D. Trade Name.

- (1) An advertisement may only use the trade name authorized by the Board.
- (2) Trade names used in advertising:
 - (a) Shall be pre-approved by the Board in writing;
 - (b) Shall be used on all advertising including:
 - (i) Signs;
 - (ii) Billing statements;
 - (iii) Business cards;
 - (iv) Stationary;
 - (v) Receipts; and
 - (vi) Correspondence; and
- (c) May not be used in any false or misleading advertisements.
- (3) Only one trade name may be issued to a license or registration holder per geographic practice location.
- (4) A trade name shall be distinct in order to clearly identify the practitioner.

E. An advertisement may not include statements that:

- (1) Contain misrepresentations of facts;
- (2) Are likely to mislead or deceive due to making only a partial disclosure of relevant facts when the statements are placed in context;
- (3) Intend to or are likely to create false or unjustified expectations of favorable results;
- (4) Refer to fees without reasonable disclosure of all relevant variables, conditions, and exceptions so that the statement may be misunderstood or deceptive to laypersons;
- (5) Convey the impression that the license holder or registration holder may improperly influence any public body, official, corporation, or person on behalf of the public;
- (6) Make representations or implications that in reasonable probability may cause an ordinarily prudent individual to misunderstand or be deceived by the representations or implications;
- (7) Misrepresent any professional qualifications, education, experience, or affiliation; or
- (8) Make representations or implications that the license holder or registration holder is willing to provide services that are illegal under the laws or regulations of Maryland or the United States.

F. An individual who is a registered massage practitioner or a business entity that employs or contracts with registered massage practitioners may not advertise that the individual or business entity provides health-related therapeutic massage services.

G. An individual may not advertise that the individual practices massage therapy or non-therapeutic massage in Maryland if:

- (1) The individual is otherwise qualified to practice massage therapy in any other state or country that has substantially similar requirements for authorization to practice massage therapy and the individual is in this State for not more than 7 days;
- (2) The individual's application for a license or registration is pending before the Board, and the individual has not taken the examination required by the Board; or



(3) The individual has taken an examination required by the Board, but the results of the examination are not yet known.

H. An individual whose license or registration has been suspended or revoked by the Board may not advertise or initiate any advertising during the period of suspension or revocation.

.04 Solicitation.

A license holder or registration holder may not engage in solicitation, including, but not limited to, in-person, telephone, electronic, or direct mail solicitation, that:

A. Amounts to fraud, undue influence, intimidation, or over reaching; or

B. Contains statements which would be improper under Regulation .03C of this chapter.

.05 Accountability.

A license holder or registration holder shall be accountable under this chapter if the license holder or registration holder uses an agent, partnership, professional association, health maintenance organization, or any other entity or means to implement actions prohibited by this chapter.

.06 Penalties for Violation.

A violation of this chapter may result in disciplinary action against the license holder or the registration holder under Health Occupations Article, Title 3, Annotated Code of Maryland.

10.43.20 Massage Therapy – Continuing Education Requirements

Authority: Health Occupations Article, §§3-205 and 3-5A-02, Annotated Code of Maryland

.01 Required Continuing Education Hours.

A. By October of each renewal year, beginning in October, 2004, certificate 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 disease education which includes AIDS/HIV; and

(3) 18 hours in massage-related courses as approved by the Board.

B. In addition to the requirements of §A of this regulation, at the time of renewal, a certificate or a registration holder shall possess a certification of qualification in cardiopulmonary resuscitation (CPR).

.02 Approval of Continuing Education Programs.

A. The Board shall approve credit for the following:

(1) Courses approved by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB);

(2) Courses offered by Maryland schools accredited by the Maryland Higher Education Commission (MHEC); or

(3) Courses determined by the Board to meet professional standards and educational needs for certified massage therapists and registered massage practitioners.

B. The Board shall approve as having met all requirements, certificate and registration holders who have a current, valid NCBTMB certification, provided the cited hours in the specified curriculum in Regulation .01 of this chapter are met.

C. The Board may approve for renewal credit a program or course consisting of one or more of the following subjects in live, audio, or electronic mode:

(1) Risk management;

(2) Professions ethics and jurisprudence;

(3) Client and patient relationships and professional boundaries;

(4) Massage therapy theory, technique, or practice;

(5) Massage therapy contraindications;

(6) First aid and cardiopulmonary resuscitation; or



(7) Any other course or program determined by the Board to meet the professional and educational requirements of the certificate and registration holders.

.03 Exemptions.

A. Individuals issued initial certification or registration within 12 months of the renewal date are exempt from the continuing education requirements in Regulation .01 of this chapter for the first renewal cycle.

B. Certificate or registration holders with documented hardships, and seeking an exemption, waiver, or extension from the continuing education requirements in Regulation .01 of this chapter, shall petition the Board in writing at least 90 days before the renewal date.

C. The Board shall review the petition for an exemption, waiver, or extension and respond in writing to the certificate or registration holder.

.04 Board Procedures.

A. A program or institution seeking Board approval shall submit the following in writing at least 90 days before the starting date of the program or course:

- (1) Title, location, and date of program or course;
- (2) If electronically administered, website, database, or system used;
- (3) Credit hours requested;
- (4) Names and professional and educational qualifications of instructors;
- (5) Name of attendance certifying officer and method of certification;
- (6) Required texts or course books used;
- (7) Program or course syllabus; and
- (8) List of any sponsor of the program or course.

B. The Board shall notify the requestor in writing of the Board's decision to approve or disapprove a program or course.

C. The Board shall conduct a biennial audit of continuing education, and shall notify audited certificate and registration holders by mail that the audited certificate and registration holders shall produce satisfactory evidence of completion of the continuing education requirements.

D. Certificate and registration holders shall maintain accurate records, including continuing education course certifications, and if audited, shall present this documentation upon request to the Board.¹

¹ <http://dhmh.maryland.gov/chiropractic/SitePages/comar.aspx>