

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
BOARD MEETING

November 10, 2011

GENERAL SESSION AGENDA

1. **Review, approval of Agenda.**
2. **Review, approval of Board Minutes of last meeting (October 13th).**
3. **Review of Administrative Staff Issues, Mr. J.J. Vallone, Executive Director:**
 - a) Mr. Christopher Bieling, Board Investigator, began with the Board November 2nd
 - b) Chiropractic Assistants Jurisprudence Examination
 - c) Proposed Legislation
4. **Presentation/Update by Board Counsel, Mr. Grant Gerber:**
 - a) Revising the Massage Therapy Code of Ethics (COMAR 10.43.18)
 - b) Update regarding Sanctioning Guidelines and setting Subcommittee Meeting
 - c) Update regarding the FTC vs. North Carolina Dental Board
 - d) Regulating EHRs
 - e) Update regarding prospective regulations revisions re: Massage Recordkeeping and CEUs
5. **Discussion regarding the Child Support Enforcement Agency's (CSEA) request for all Boards to sign a Memorandum of Understanding – Ms. Ware.**
6. **Discussion regarding Class III vs. Class IV laser use by chiropractors and chiropractic assistants.**
7. **Discussion regarding the Board of Physicians' Regulations on Athletic Trainers.**
8. **Petition from Ms. Sara K. Finucane, Massage Therapy Applicant, to accept her non-accredited massage school training from The Onondaga School of Therapeutic Massage; the school became accredited in March 2009. (NOTE: At the December 10, 2009 Board Meeting, the Board approved another massage applicant who attended Onondaga.)**
9. **Petition from Ms. Amanda Wheatley, Massage Therapy Applicant, to accept her non-accredited massage school training from Genesis Career College: Bowling Green Campus, Bowling Green, KY (formerly Natural Health Institute).**
10. **Requests for massage trade name approval:**

**Integration Studios: Massage Therapy & Yoga – Susan L. Heiss, LMT (tabled from October 13th meeting)*

 - a) *Ann's Massage Studio on Kent Island – Ruth Ann Tillman, RMP (trade name change)*
 - b) *Therapeutic Massage & Bodywork by David Windsor, LMT – William David Windsor, LMT*
 - c) *Bowenwork of Silver Spring, Katherine L. Curtin, LMT – Katherine L. Curtin, LMT*

11. **FYI – Miscellaneous correspondence for review/discussion. Below is a list of 2011 licensees/registrants who were discussed in the Executive Session and have had their licenses/registrations granted by the Board:**

2011 New Licenses/Registrations Granted

- Ms. Rachel Heise, LMT; Board approved to waive accreditation 1/13/11; licensed 3/29/11
- Ms. Jeanne Wright, RMP; Board approved to waive accreditation 4/14/11; registered 6/03/11
- Mr. John E. Garlington, C.A.; Board approved for C.A registration 4/14/11; to take C.A re-exam 11/08/11

2011 Reactivations/Reinstatements Granted

- Ms. Emily Smith, RMP; Board denied waiving reinstatement fees; registered 3/02/11
- Mr. Wilton Scott Pollard, LMT; Board approved for licensure 10/13/11; licensed 9/13/11

BOARD WORKING LUNCH

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
MINUTES – GENERAL SESSION

November 10, 2011

Members Present

Stephanie J. Chaney, D.C., Board President
Michael Fedorczyk, D.C., Board Vice-President
Jonathan C. Nou, D.C., Board Secretary/Treasurer
Kay B. O’Hara, D.C.
Duane R. Sadula, D.C.
David A. Cox, LMT
Gwenda Harrison, LMT
Mary Anne Frizzera-Hucek, Consumer Member
Ernestine Jones Jolivet, Consumer Member

Non-Members Present

J.J. Vallone, Executive Director
Grant D. Gerber, Esq., Board Counsel
Maria Ware, Office Manager
David Ford, Senior Board Investigator
Christopher Bieling, Board Investigator
The Hon. Senator Paula Hollinger
Sharon Bloom, DHMH Liaison
Kristen Neville, Legislation/Regs Specialist

Member Absent

Karen Biagiotti, LMT

Dr. Stephanie Chaney called the meeting to order at 10:00 A.M.

Review of Agenda and Minutes

The November 10th Agenda was amended as follows: 1) under no. 3, add “b. Chiropractic Assistants Jurisprudence Examination”; and add “c. Proposed Legislation.” Dr. O’Hara motioned to accept the amended Agenda; Ms. Hucek seconded, and the motion was unanimously voted.

The October 13th Minutes were approved as drafted. Dr. Sadula motioned to accept the Minutes; Ms. Hucek seconded, and the motion was unanimously voted.

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

- Mr. Christopher Bieling has been hired as the new Board Investigator; his official start date was November 2nd. Mr. Bieling is currently working on several massage cases which will be presented in December. On November 8th, Mr. Bieling assisted the Executive Director in proctoring the Chiropractic Assistants Jurisprudence Examination. Mr. Bieling will also be responsible for proctoring all Board jurisprudence examinations.
- Chiropractic Assistants (C.A.) Jurisprudence Examination: The C.A. examination was given November 8th; 52 C.A. applicants took the examination, with 15 failures. Another C.A. examination is scheduled for December 7th for those individuals who were unable to attend the November 8th examination.

- **Proposed Legislation:** The proposed House Bill (originating with the DHMH Secretary) authorizes the Secretary to adopt regulations governing the practices of certain health occupations boards and commissions under certain circumstances; authorizing the Secretary to convene an advisory committee for certain purposes and to take into account certain considerations when reviewing scope of practice disputes. The proposed House Bill will create a panel to arbitrate or resolve issues before it is presented publicly to the legislators. The DHMH Associate Director of Personnel, Senator Paula Hollinger, discussed the Bill. Dr. O'Hara made a motion to support, as a Board, the Health Secretary's proposed legislation. Dr. Fedorczyk seconded; and the motion was unanimously voted.

Presentation by Board Counsel, Mr. Grant Gerber

Revising the Massage Therapy Code of Ethics (COMAR 10.43.18): FYI – Board Counsel intends to standardize the revisions to bring the Code of Ethics into consonance with those of other healthcare professionals; he will meet with the Regulatory Subcommittee in the near future.

Update Regarding Sanctioning Guidelines/Subcommittee Meeting: FYI – The Subcommittee will meet to discuss the Sanctioning Guidelines. The Subcommittee members are: Mr. Jim Vallone (Executive Director), Mr. Grant Gerber (Board Counsel), Dr. Michael Fedorczyk, Dr. Kay O'Hara, and Ms. Karen Biagiotti, LMT.

Update Regarding the Federal Trade Commission (FTC) vs. North Carolina (NC) Dental Board: FYI – The NC Dental Board sent Cease and Desist letters to unlicensed individuals working in the malls offering teeth whitening services; only licensed dentists can perform this service. The FTC stated that the NC Dental Board did not have the right to send the Cease and Desist letters. The FTC found that the NC Dental Board was in violation of the anti-trust laws.

Regulating Electronic Health Records (EHRs): FYI – Currently there are no State laws regulating EHRs; they are regulated by the Federal Government under HIPAA. EHRs may be more susceptible to fraud because there is no requirement that doctors use them. The Boards can recommend an audit trail as a matter of guidance to supplement HIPAA requirements. The Board will table this issue pending further study.

Update Regarding Prospective Regulations Revisions (Massage Recordkeeping and CEUs): FYI – The Regulatory Subcommittee will meet by January 2012 to discuss this ongoing issue. The members of the Regulatory Subcommittee are: Ms. Karen Biagiotti, LMT (Chair), Mr. Grant Gerber (Board Counsel), Dr. Jonathan Nou, Ms. Gwenda Harrison, LMT, and Mr. David Cox, LMT.

Discussion Regarding the Board of Physicians' Proposed Regulations on Athletic Trainers

The Board discussed the proposed Licensure of Athletic Trainers, Code of Maryland Regulations 10.32.08. Athletic trainers are currently under the Board of Physicians. A public meeting was held on June 22, 2011; public comments will be accepted through November 21, 2011. Dr. Chaney will review the proposed regulations, make comments, and E-mail to the Board by the end of next week.

Child Support Enforcement Administration’s Submission of MOU – Ms. Ware

Maryland law authorizes the Child Support Enforcement Administration (CSEA) to request a licensing Board to suspend or deny a license of a non-custodial parent who is in arrears of child support payments of more than 120 days, under the most recent court order. CSEA is seeking to enter into an agreement (Memorandum of Understanding) and an automated data exchange with each licensing Board and its Information Technology (IT) staff. CSEA is also requesting that each Board submit **monthly** a roster of all active, inactive and suspended licensees. The Family Law Article, §10-119.3, Maryland Annotated Code, however, states that the licensee roster should be submitted **quarterly**. It is CSEA’s intent to notify each noncompliant licensee monthly that his/her license is in jeopardy of suspension, denial or non-renewal. Currently, the Boards’ licensee database is on a different mainframe than CSEA, and CSEA’s position is to receive a monthly universe of records in a standardized flat file format (which would entail reformatting by the Boards’ IT staff). The Boards (with the exception of the Board of Physicians) are collectively maintaining a position of unity as this matter is under review. Dr. O’Hara made a motion to table this issue pending further studies. Dr. Fedorczyk seconded, and the motion was unanimously voted.

Discussion Regarding Class III vs. Class IV Laser Use

A chiropractor in another state is contemplating moving to Maryland and posed the question of Maryland’s stance on Class IV high power laser therapy. Currently, Maryland chiropractors may utilize Class III low-level laser or light therapy. Dr. Chaney researched the issue of utilizing Class IV laser therapy and presented her findings to the Board. Class IV lasers are therapeutic (not surgical), utilizing 500-7,500 wattage and are non-oblative. The Board held a full discussion regarding the Class IV laser usage. Dr. Sadula made a motion that Class IV therapeutic lasers may be used so long as they are non-oblative and stay within the guidelines of the FDA, OSHA, and ANSI, or any Federal regulations. Dr. Nou seconded the motion, and the motion was voted by 6. Ms. Harrison and Ms. Jolivet abstained. Ms. Hucek opposed.

Petition from Ms. Sara K. Finucane, Massage Therapy Applicant

Ms. Finucane petitions the Board to accept her non-accredited massage school training from The Onondaga School of Therapeutic Massage, Rochester, NY; she graduated in January 2009. The Onondaga School became accredited by the Accrediting Commission of Career Schools and Colleges of Technology (ACCSCT) in March 2009. The Board reviewed Ms. Finucane’s documentation and motioned to waive the accreditation requirement and accept her massage application for Maryland licensure. Dr. O’Hara supported the motion; Dr. Fedorczyk seconded, and the motion was unanimously voted.

Petition from Ms. Amanda Wheatley, Massage Therapy Applicant

Ms. Wheatley petitions the Board to accept her non-accredited massage school training from Genesis Career College: Bowling Green Campus, Bowling Green, KY. The Board reviewed the documentation submitted by Ms. Kally B. Fellers, LMT, Genesis’ Campus Director, and motioned to waive the accreditation requirement and accept Ms. Wheatley’s massage application for Maryland licensure. Ms. Hucek supported the motion; Ms. Jolivet seconded, and the motion was unanimously voted.

Requests for Approval of Massage Trade Names

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

1. Integration Studios: Massage Therapy & Yoga – Susan L. Heiss, LMT (*initially tabled from the October 13th meeting*)
2. Ann’s Massage Studio on Kent Island – Ruth Ann Tillman, RMP (*trade name change*)
3. Therapeutic Massage & Bodywork by David Windsor, LMT – William David Windsor, LMT
4. Bowenwork of Silver Spring, Katherine L. Curtin, LMT – Katherine L. Curtin, LMT

Miscellaneous

1. A Show Cause Hearing is scheduled today at 2:00 P.M. Refer to the Executive Session for details.
2. Below is a list of 2011 licensees/registrants who were discussed in the Executive Session and have had their licenses/registrations granted by the Board:

2011 New Licenses/Registrations Granted

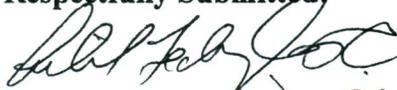
- Ms. Rachel Heise, LMT; Board approved to waive accreditation 1/13/11; licensed 3/29/11
- Ms. Jeanne Wright, RMP; Board approved to waive accreditation 4/14/11; registered 6/03/11
- Mr. John E. Garlington, C.A.; Board approved for C.A registration 4/14/11; to take C.A re-exam 11/08/11

2011 Reactivations/Reinstatements Granted

- Ms. Emily Smith, RMP; Board denied waiving reinstatement fees; registered 3/02/11
- Mr. Wilton Scott Pollard, LMT; Board approved for licensure 10/13/11; licensed 9/13/11

Upon motion by Dr. O’Hara, seconded by Ms. Jolivet, the Board unanimously voted to adjourn the General Session at 12:00 P.M.

Respectfully Submitted;

 Board V.P.
for Dr. J.C. Nou

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