BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
MINUTES – GENERAL SESSION

February 20, 2014

Members Present
Michael Fedorczyk, DC, Board President
Jonathan Nou, DC, Board Vice President
Robert Frieman, DC, Board Treasurer
Michael Moskowitz, DC
Gwenda Harrison, LMT
Ernestine Jones Jolivet, Consumer Member

Members Absent
Stephanie Chaney, DC, Fmr. Board Pres.
Karen Biagiotti, LMT
David Cox, LMT

Non-Members Present
James Vallone, Executive Director
Anthony DeMarco, AAG, Sub. Bd. Counsel
Michelle Czarnecki, Compliance Mngr.
Marc Cohen, Esq., Ober/Kaler and MCA
Ian Friedman, Esq., Ober/Kaler
Cassie Dougherty, DC, Chiro. Applicant
Hamed Norani, DC, Chiro. Applicant
Stacy Kitchell, DC, Chiro. Applicant

Dr. Michael Fedorczyk called the meeting to order at 10:00am

Review of Agenda and Minutes
The February 20, 2014 agenda was reviewed by the Board and the following revisions were suggested: (1) Addition of subsection (b) "Update on Legislation" under Review of Administrative Issues.

Dr. Frieman moved to approve the February 20, 2014 Agenda with that revision; Dr. Nou seconded, and the motion was unanimously voted by the Board.

The January 9, 2014 Board minutes were reviewed by the Board. Dr. Frieman moved to approve the January 9, 2014 Board Minutes as written; Dr. Nou seconded, and the motion was unanimously voted by the Board.

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

(a) Presentation on Presence of Parents for Treatment of Minors—Attorney Marc Cohen, Esq., Maryland Chiropractic Association
Mr. Marc Cohen, Esq. provided a presentation on the topic of required presence of a minor patient's parent or guardian during a chiropractic or massage therapy treatment. Mr. Cohen stated that in his legal opinion, the Board's current regulations, which require a signed consent form for the treatment of minors, is a sufficient measure to protect that public. Mr. Cohen indicated that to require a parent or guardian be present in the treatment room with their minor child would be legally unnecessary. Mr. Cohen also informed the Board that currently, no other health occupation Board has required their licensees to have a parent present in the treatment room for a minor patient, and that this decision has traditionally been left to the judgment of the practitioner.

present in the treatment room for a minor patient, and that this decision has traditionally been left to the judgment of the practitioner.

(b) Update on Legislation—Mr. J.J. Vallone, Executive Director
Mr. Vallone informed the Board that SB817 and its crossover bill, HB1156 have been withdrawn. HB 1157 is currently pending, with a hearing scheduled for March 5, 2014 at 1:00PM. The Board has expressed partial support for HB1157 with amendments. Mr. Vallone and Ms. Czarnecki testified on behalf of the Board in support of HB401 and its crossover bill, SB038, which would authorize the Board's investigators access to a national criminal background check database for new applicants. These bills are currently pending but they are expected to pass without opposition.

Follow-up Discussion of Parental Oversight of Minors at Healthcare Visit:
After the presentation by Mr. Cohen, the Board held a general discussion regarding a prospective legal requirement or board policy that licensed chiropractors and massage therapists have a parent or legal guardian present in the treatment room when seeing a minor patient. The Board agreed that Mr. Vallone should work with Mr. Anthony DeMarco regarding a potential Board policy on the issue to address licensee inquiries on the topic.

Massage Therapy Petitions:

a) Hui Ja Lee, Applicant—Petition to Allow 4th Administration of the Massage Jurisprudence Exam
Ms. Lee petitions the Board to allow her to take the Board's massage therapy jurisprudence exam for the fourth time, having failed it three previous times.

Based on the information provided, Ms. Harrison moved that Ms. Lee be given the opportunity to meet with the Board regarding this issue to discuss her chances for successfully passing the exam; Dr. Frieman seconded, and the motion was unanimously voted by the Board.

b) Allison Dinsmore, Applicant—Waiver Provision (§3-5A-07) for Accreditation
Ms. Dinsmore petitions the Board to waive the accreditation requirement and accept her application for massage therapy licensure/registration. Ms. Dinsmore graduated from the 528 hour program at the Massage Arts and Science Center of Philadelphia in 2000. She is NCBTMB certified. The Board approved other applicants who graduated from this institution in June and September of 2013.

Based on this information, Ms. Harrison moved to approve Ms. Dinsmore's petition and accept her application for massage therapy licensure/registration; Dr. Frieman seconded, and the motion was unanimously voted by the Board.

c) Hannah Gease, Applicant— Waiver Provision (§3-5A-07) for Accreditation
Ms. Gease petitions the Board to waive the accreditation requirement and accept her application for massage therapy licensure/registration. Ms. Gease graduated with 675 hours from Asheville School of Massage in Asheville, NC, which is approved under the North Carolina Board of Massage & Bodywork Therapy.

Based on this information, Ms. Harrison moved to approve Ms. Gease's petition and accept her application for massage therapy licensure/registration; Ms. Jones Jolivet seconded, and the motion was unanimously voted by the Board.

d) Trisha Williams, Applicant—Waiver Provision (§3-5A-07) for Accreditation
Ms. Williams petitions the Board to waive the accreditation requirement and accept her application for massage therapy licensure/registration. Ms. Williams graduated with 1000 hours from Finger Lakes School of Massage in Ithaca, NY, which is accredited under the Accrediting Council for Continuing Education and Training.

Based on this information, Ms. Harrison moved to approve Ms. Williams's petition and accept her application for massage therapy licensure/registration; Dr. Frieman seconded, and the motion was unanimously voted by the Board.

e) Sheryl Sturges, LMT—Petition to Practice Massage Therapy in MD Under Exceptions to Lincesure/Registration Regulation (Code Md. Regs. 10.43.17.03)
Ms. Sturges is an actively licensed massage therapist in NY and DC who is requesting the Board's permission to practice massage therapy in Maryland on a limited basis under the Boards regulation, Code Md. Regs. 10.43.17.03. Ms. Sturges indicated that she has several clients who currently live in Maryland, and would like the opportunity to travel to them for massage therapy purposes.

Based on this information, Dr. Frieman moved to respond to Ms. Sturges's request with a letter clarifying Code Md. Regs. 10.43.17.03 and explaining that it is not intended to create a temporary license to practice massage therapy in Maryland; Ms. Jones Jolivet seconded, and the motion was unanimously voted by the Board.

Requests for Chiropractic Trade Name Approval:
The following chiropractic trade name requests were **approved** by Board motions. Dr. Frieman moved to approve; Dr. Nou seconded, and the motions were unanimously voted by the Board:

a) ***Active Balance Chiropractic*** – Daniel Hayes, D.C.
b) ***Stutman Chiropractic, PC Riverdale Back and Pain Clinic-*** Mark L. Stutman, D.C.
c) ***Healing Arts Center of MD, LLC, Mark D. Roberts, D.C.-*** Mark D. Roberts, D.C.
e) ***Christman Family Chiropractic: A Creating Wellness Center***—Evan Christman, D.C.

The following trade name request was **denied** by Board motions. Dr. Frieman moved to deny; Dr. Nou seconded, and the motion was unanimously voted by the Board:

d) ***ChiroPlus Functional Health Center*** **(replacement for** ***Mid Atlantic Scoliosis*****)**—Sherri Beauchamp, D.C.

Requests for Massage Therapy Trade Name Approval:
The following massage therapy trade name requests were **approved** by Board motions. Ms. Harrison moved to approve; Ms. Jones Jolivet seconded, and the motions were unanimously voted by the Board:

a) ***Evergreen Holistic Massage, Barbara Nehms, LMT*** – Barbara Nehms, LMT
b) ***Better than Chocolate Massage Therapy*** – Cathleen T. Rizziello, LMT
c) ***Relax Yourselv Bodywork and Massage*** – Amira Edwards, RMP
d) ***Much Kneaded Massage Therapy*** – Diana Horn, LMT

CEU Pre-Approved Provider Petition-Dr. Paul Powers, DC/ChiroCredit.com, and CEU Maryland

Dr. Paul Powers with DC/ChiroCredit.com and CEU Maryland petition the Board to be a "Pre-Approved Provider" under Md. Code Regs. 10.43.11.02. Mr. Vallone, Executive Director, informed the Board that both CEU Providers have the credentials to meet "Pre-Approved Provider" status with the Board.

Based on this information, Dr. Frieman moved to approve DC/ChiroCredit.com and CEUMaryland as "Pre-Approved Providers" under Md. Code Regs. 10.43.11.02; Dr. Moskowitz seconded, and the motion was unanimously voted by the Board.

FYI/Miscellaneous Correspondence for Review/Discussion

a) NCBTMB to include candidate's photograph on Examination Score Reports

NCBTMB has notified the Board that it will now require a candidate's picture to be placed directly on their Exam Score Reports. Administratively, this new procedure, along with the Board's requirement for massage therapy applicants to include 2 passport photos with their application, will afford the Board the ability to flag any identity irregularities between the application the NCBTMB Score Reports.

b) Board Policy Re: 3rd Time Failures of Jurisprudence Examination for Massage Therapy and Chiropractic Applicants

The Board agreed that applicants requesting to take the jurisprudence exam for the fourth time should be presented to the Board on an individual basis to review all relevant information.

c) Ms. Gwenda Harrison, LMT to attend FSMTB conference March 14-17th

Ms. Harrison informed the Board that she will be attending a conference for the Federation of State Massage Therapy Boards in Tucson, Arizona on March 14 through 17, 2014.

Upon motion by Dr. Frieman, seconded by Ms. Jones-Jolivet, the Board unanimously voted to close General Session at 11:00am.

Respectfully Submitted:

Robert G. Frieman, D.C.
Board Secretary/Treasurer