

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
BOARD MEETING

March 10, 2011

GENERAL SESSION AGENDA

1. **Review, approval of Agenda.**
2. **Review, approval of Board Minutes of last meeting (January 13th). There was no Board Meeting held in February due to an all-day hearing.**
3. **Review of Administrative Staff Issues, Mr. J.J. Vallone, Executive Director:**
 - a) Resignation of Massage Board Member, Mr. Clyde Anderson; the Governor's Office has been notified to begin the selection process of finding a massage candidate
 - b) Departure of Mr. Marc Ware, Board Investigator, effective February 25, 2011; job to be posted on the State's employment database
 - c) CIRDAN license portal study
 - d) Rulemaking project – current process status
 - e) C.A. Renewal (2011-2013) Update; commenced February 10, 2011
 - f) FCLB/NBCE Meeting – May 2011
 - g) MCA Conference Overview
4. **Requests for chiropractic trade name approval:**
 - a) *Good Samaritan Chiropractic* – Ryan J. Cappelletti, D.C.
 - b) *Horne Chiropractic & Wellness Center* – Eric S. Horne, D.C.
5. **Requests for massage trade name approval:**
 - a) *Therapy-Touch, LMT* – Terrie Tracy, LMT
 - b) *Family Massage Therapy* – Karen A. Hontz, LMT
 - c) *Lavender and Chamomile Center of Massage and Kinesiotherapy* – Cicely Sanders, LMT
6. **Inquiry from Amy Borynski, D.C., regarding licensure in Maryland; attended D'Youville College from 2004-2008; however, college received CCE accreditation in 2007.**
7. **Petition from Ms. Erika B. Wolfe, LMT, to waive the \$100.00 administrative penalty for failure to notify Board of address change.**
8. **Petition from Ms. Yvonne Wilson, Massage Therapy Applicant, to waive the accreditation requirement for her massage school and accept her application for licensure.**
9. **Petition from Ms. Tracy Phipps, Massage Therapy Applicant, to waive the accreditation requirement for her massage school and accept her application for licensure.**
10. **FYI – Miscellaneous correspondence for review/discussion.**

BOARD WORKING LUNCH

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
MINUTES – GENERAL SESSION

March 10, 2011

Members Present

Kay B. O'Hara, D.C., Board President
Stephanie J. Chaney, D.C., Board Vice-President
Michael Fedorczyk, D.C., Board Secretary/Treasurer
Daniel J. Kraus, D.C.
Jonathan C. Nou, D.C.
Duane R. Sadula, D.C.
Ernestine Jones Jolivet, Consumer Member
Karen Biagiotti, LMT
Gwenda Harrison, LMT

Non-Members Present

J.J. Vallone, Executive Director
Grant D. Gerber, Esq., Board Counsel
Maria Ware, Office Manager
David Ford, Senior Board Investigator
The Hon. Senator Paula Hollinger
Sharon Bloom, DHMH Liaison
Keith Scott, D.C.
Cher Hunter, M.A., LMT, Dir, MT Prgm, CCBC
Anthony Lane Hinkle, LMT

Member Absent

Mary Ann Frizzera-Hucek, Consumer Member

Dr. Kay O'Hara called the meeting to order at 10:00 A.M.

Review of Agenda and Minutes

The March 10th Agenda was amended as follows: 1) under no. 3, add "g. MCA Conference Overview." Dr. Fedorczyk motioned to accept the amended Agenda; Dr. Chaney seconded, and the motion was unanimously voted.

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

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

- Resignation of Massage Board Member: Mr. Clyde Anderson, Licensed Massage Therapist, officially resigned from the Board for personal reasons, effective February 15, 2011. Mr. Anderson began his tenure with the Board August 13, 2009 and has proven to be a dedicated valuable Member in a short time. The Governor's Office has been notified to begin the process of selecting a massage candidate.
- Resignation of Massage Board Investigator: Mr. Marc Ware officially resigned from the Board for personal reasons, effective February 25, 2011. Mr. Ware, who began working for the Board March 25, 2009, was a well-respected invaluable asset to the Board and will be missed. Currently, Mr. Ford will conduct the investigation of massage cases, existing and new, until a new Investigator is hired. The investigative position will be posted on the State's employment database.

- NBCE/FCLB Meeting: Dr. O’Hara and Dr. Chaney will represent the Board as Voting Delegate and Alternate, respectively, at the National Board of Chiropractic Examiners and the Federation of Chiropractic and Licensing Boards’ Annual Meeting, scheduled for May 6, 2011. Ms. Congo will represent the Board at the Association of Chiropractic Board Administrators (ACBA) Meeting, in Mr. Vallone’s absence. Hotel and airplane reservations are pre-paid.
- 2011-2013 C.A. Renewal Update – Presented by Ms. Ware: On February 10, 2011, the Board mailed renewal information to 562 active C.A.s detailing the process of renewing on-line. The following stats are as of March 9th: 1) 160 C.A.s had renewed on-line (fees deposited: \$40,000.00); 2) 1 paper renewal received (\$250.00 deposited); 3) 1 C.A. voluntarily non-renewed; 4) 20 C.A.s were identified as tax-delinquent (7 cleared/processed); and 5) 42 C.A.s were audited (5 processed). The deadline for renewing is March 31, 2011; any C.A. who renews after that date will have to pay an additional \$200.00 late fee (\$450.00 total). According to comments electronically received by the Board, the on-line renewal process is a success—most C.A.s found the process easy to navigate. Board staff are available to assist C.A.s with any issue/problem, as necessary.
- CIRDAN License Portal Study: The study is an effort by the Department of Health and Mental Hygiene (DHMH) to provide a single entrance portal to all other DHMH Boards, Agencies, and Divisions. The consensus is that this should not apply to the Boards because each Board has its own website.
- The MCA Conference held March 6, 2011 at 11:30 A.M., was attended by Board Counsel, Dr. Chaney, Dr. Fedorczyk, Ms. Jolivet, and Ms. Congo. In Ms. Congo’s absence, Mr. Vallone gave the Board an overview of various topics/concerns: 1) CEUs 90-Day Review/Approval Process/On-line Posting: Discussion – Ninety (90) days is an acceptable timeline for a provider seeking course approval, but not for a licensee who may have 3-4 weeks to register and have a course Board-approved. Action – The Board will keep the 90-day requirement for review/approval; however, licensees may apply for review of any course and request a waiver of the deadline, provided he/she submits the required course syllabus, instructor resume, etc. In approximately 3-6 months, chiropractic and C.A. approval courses will be posted on-line. 2) Surplus Monies: Discussion – The Board should return money to licensees, or utilize money in public service announcements, or utilize surplus money to facilitate courses offered by the Board. Action – The Board is cognizant of fees charged and periodically reviews and reduces fees, as appropriate; reducing fees is one way of returning monies back to licensees. The Board has to also maintain a quarter of the budget for roll-over each fiscal year. 3) General Session Board Minutes will be scanned and posted on-line in the near future. Also the Board is developing a fully automated electronic E-mail system. This will allow the Board to broadcast/notify all licensees/registrants electronically, saving substantial administrative funds. 4) Chiropractors subleasing office space to non-licensed/registered practitioners and other disciplines: Discussion – Chiropractors cannot lease office space to an unlicensed individual. Action – Issues referred to Board Counsel for review/handling, i.e., tier payments, massage therapists’ third-party billing, and subleasing chiropractic offices. In general, the Conference was well attended and well received.
- Rulemaking Project Status Update: The proposed provisions have been submitted to the Legislative AELR Committee (via DHMH Office of Regulations). The Committee is currently reviewing the package and public comments submitted during the public comment period. Upon clearance, the Committee will hopefully move forward for final publication and adoption.

Requests for Approval of Chiropractic Trade Names

Ryan J. Cappelletti, D.C., requests Board approval to use the trade name “Good Samaritan Chiropractic” in his practice. Dr. Chaney made a motion to approve the trade name; Ms. Harrison seconded, and the motion was unanimously voted.

Eric S. Horne, D.C., requests Board approval to use the trade name “Horne Chiropractic & Wellness Center” in his practice. Dr. Chaney made a motion to approve the trade name; Dr. Fedorczyk seconded, and the motion was unanimously voted.

Requests for Approval of Massage Trade Names

Ms. Terrie Tracy, LMT, requests Board approval to use the trade name “Therapy-Touch, LMT.” Ms. Biagiotti made a motion to deny the trade name; Ms. Harrison seconded, and the motion was unanimously voted.

Ms. Karen A. Hontz, LMT, requests Board approval to use the trade name “Family Massage Therapy.” Ms. Biagiotti made a motion to approve the trade name; Ms. Harrison seconded, and the motion was unanimously voted.

Ms. Cicely Sanders, LMT, requests Board approval to use the trade name “Lavender and Chamomile Center of Massage and Kinesiotherapy.” Ms. Biagiotti made a motion to deny the trade name; Ms. Harrison seconded, and the motion was unanimously voted.

Petition from Ms. Erika B. Wolfe, LMT

Ms. Wolfe petitions the Board to waive the \$100.00 administrative penalty for failure to notify the Board of her change of address. In August 2009, Ms. Wolfe, who is currently non-renewed in Maryland, moved to Louisville, Kentucky; she states she has no plans to return to Maryland. The Board motioned to waive the \$100.00 penalty fee; however, it will be noted in the database that \$100.00 is due, should Ms. Wolfe ever apply to Maryland for reinstatement. Dr. Chaney supported the motion; Dr. Fedorczyk seconded, and the motion was unanimously voted.

Petition from Ms. Yvonne Wilson, Massage Therapy Applicant

Ms. Wilson, who is currently licensed in Florida and Washington, petitions the Board to waive the accreditation requirement for her massage school and accept her application for Maryland licensure. Ms. Wilson attended The Aveda Institute in St. Petersburg, Florida, at the time that it was in the process of attaining accreditation. The Aveda Institute received accreditation one and one-half years after Ms. Wilson graduated in 2006. The Board motioned to approve Ms. Wilson’s petition for Maryland licensure. Dr. Kraus supported the motion; Ms. Harrison seconded, and the motion was unanimously voted.

Petition from Ms. Tracy Phipps, Massage Therapy Applicant

Ms. Phipps, who is currently licensed in Hawaii and Colorado, petitions the Board to waive the accreditation requirement for her massage school and accept her application for Maryland licensure. Ms. Phipps attended Heisei International Institute of Massage in Honolulu, Hawaii, at the time that it was in the process of attaining accreditation. Heisei International received accreditation from the State of Hawaii Department of Education in 2008. The Board motioned to approve Ms. Phipps' petition for Maryland licensure. Dr. Nou supported the motion; Ms. Harrison seconded, and the motion was unanimously voted.

Request from Amy Borynski, D.C.

Dr. Borynski attended D'Youville College from 2004-2008; D'Youville received CCE accreditation in 2007, one year before Dr. Borynski's graduation. Dr. Borynski, who has taken and passed all examinations, is requesting the Board to review her eligibility to attain Maryland licensure. The Board motioned to approve Dr. Borynski's request. Dr. Chaney supported the motion; Dr. Sadula seconded, and the motion was unanimously voted.

Miscellaneous

1. Nominations for NBCE Part IV Examination and Test Committee: The Board nominated Dr. Nou and Dr. Fedorczyk to attend the Part IV Test Committee scheduled to be held in Colorado in June 2011. Dr. Nou is nominated to attend the Part IV Examination at Life College in Georgia, scheduled November 2011; Dr. Fedorczyk is nominated to attend the Part IV Examination at Palmer College in Iowa, scheduled November 2011.
2. A Disciplinary Board Hearing is scheduled today at 1:00 P.M. Refer to the Executive Session for details.
3. There was no Board Meeting held in February due to an all-day Disciplinary Hearing. Refer to the Executive Session for details.

Upon motion by Dr. Chaney, seconded by Dr. Sadula, the Board unanimously voted to adjourn the General Session at 10:50 A.M.

Respectfully Submitted:



**Michael Fedorczyk, D.C.
Board Secretary/Treasurer**