

CHIRO NEWS

A publication of the Maryland Board of Chiropractic Examiners
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www.mdchiro.org



WINTER 2008

PRESIDENT'S MESSAGE

REVISED REGULATIONS NOW IN FORCE

The revised chiropractic and massage regulations (COMAR 10.43.01 *et seq.*) became effective on October 22, 2007. It is imperative that each licensee read and familiarize themselves with these regulations (available online for downloading at www.mdchiro.org). The most significant changes are highlighted below:

- Revision of CA and Supervising Chiropractor provisions now requiring chiropractors to maintain a detailed, written log of all applicant training (see p.4 for sample log & entries)
- Requirement for CA applicants to now take/pass a Board jurisprudence seminar and exam.
- More stringent provisions for Supervising Chiropractor applicants, now requiring applicants to successfully take/pass a special qualification exam, practice & jurisprudence seminar and Board subcommittee interview.
- Eliminating the previous requirement that CA applicant in-service training had to be spread out over 6 months with a minimum of 20 hours per week with 80 hours observation time.. Under new regulations, the training timeframe is left up to the prudent discretion of the supervising chiropractor, providing all didactic and clinical training is completed in one calendar year from date of hire. Also, observation time is reduced to first 40 hours of training. The summary of required training is: Total minimum of 520 hours of which the first 40 hours are in observation plus a 103 hour didactic program consisting of 24 hours of anatomy & terminology, 76 hours of PT and contraindications and 3 hours of jurisprudence (this 3 hours will be provided in a free seminar by the Board prior to the CA examination).
- Requiring all new and existing CAs to obtain and maintain a CPR (Provider Level) Certification. New CA applicants must obtain certification to qualify for initial registration. **Current CAs have until April 1, 2009 (next renewal) to meet this requirement**, however, for liability purposes, it is strongly advised that all CAs obtain CPR certification as soon as possible.
- Allowing the Board to waive educational requirement of visiting chiropractors who seek limited, temporary practice (e.g. less than 30 calendar days while visiting with sports teams, special events, etc.).
- Allowing the Board to waive educational requirements of licensed healthcare practitioners seeking CA registration status (e.g. RNs, PTAs, etc, done on case-by-case basis).
- Clarifying the Ethics and Standards of Practice sections.
- Revising CEU requirements—now requiring 3 hours AIDS/HIV/Communicable disease and 5 hours of risk management/ (of which 1 hour must be jurisprudence).

Best Regards for a happy, healthy and prosperous New Year

Duane R. Sadula, D.C., Board President

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CALENDAR ENCLOSED

The annual complimentary 2008 Board Calendar is enclosed. It contains contact information regarding the Board and its staff. We suggest keeping it posted in a handy place throughout the upcoming year.

IN MEMORIAM, MR. JOEL R. KRUH, Esq.,

The Board of Examiners, MTAC and staffs extend their deepest sympathy and condolences to the family and friends of Joel R. Kruh, Esq. on his untimely passing. Joel was the MCA General Counsel for many years and was a tremendous asset and friend to the profession and to this Board. Always the ultimate prepared counsel, voice of reason and gentleman, his exceptional intelligence, collegiality, professionalism and genuine friendliness will be sorely missed.



BOARD DISCIPLINARY FORMAL ORDERS

(Formal public Board Orders resulting from Hearings or settlements)

TIMOTHY YOUNG, D.C. NOV 5, 2007

Charges: Violations of numerous laws and regulations. ***PERMANENT LICENSE SURRENDER in lieu of disciplinary hearing. The Voluntary Surrender Order states that all allegations are treated as proven notwithstanding any absence of admissions. The Surrender is permanent and irrevocable.***

KENNETH SABLE, D.C. NOV, 15, 2007

Charges: Violations of advertising regulations, including using false/misleading advertisements regarding spinal decompression device, using unapproved practice trade name, unethical conduct, incompetence, misrepresenting the effectiveness of treatment, making false reports, paying a fee for referrals. ***ORDERED: \$4,000.00 Monetary Penalty, 6 months suspension (all but 20 days stayed), 2 years probation, 1 year mentorship with quarterly progress reports, payment of all attendant mentorship fees/costs, pass jurisprudence exam.***

TATANIA TCHAMOUROFF, CMT APPLICANT, NOV, 2007

Charges: Practicing massage without certificate, employing uncertificated massage therapists.

ORDERED: \$5,000.00 Monetary Penalty, 6 months suspension, 1 year probation, ethics/practice course, paying all attendant costs/fees.

INFORMAL ORDERS

(Respondents identities may not be released)

CMT. 'X': OCT, 2007

Charges: Certified Massage Therapist 'X' failed to promptly notify the Board about unlicensed massage therapists performing massage on patients and providing professional advice on massage practice to non-certified individuals. ***ORDERED: Administrative Letter of Admonishment, Cease and Desist Order.***

D.C.s 'X', 'Y', 'Z', NOV, 2007

Charges: Working with C.A.s without Supervising Chiropractor status, employing chiropractors to work with C.A.s with knowledge that they were not Supervising Chiropractors. ***ORDERED: Letters of Admonishment to all 3 licensees involved.***

D.C. 'X', NOV. 2007

Charges: Illegible and poorly maintained records. ***ORDERED: Letter of Admonishment, Record-keeping course and all attendant costs.***

REVISED REGS FAQs (Frequently Asked Questions)



QUESTION: *Are the new regulations retroactive—for example, will current CAs have to have a CPR on the date of adoption of the new regulations (October 22, 2007)?*

ANSWER: No—the revised regulations are not retroactive. The Board understands that it takes a reasonable period to implement some of the requirements for existing licensees. For example, all registered CAs have until their next renewal (April 2009) to obtain the required CPR certification. However, the revised regulation relating to scope-of practice, supervision requirements, oversight of CAs, etc., apply to ALL licensees.

QUESTION: *If I have an RN or PTA who wants to become a CA, can any applicant requirements be waived under the new regulations?*

ANSWER: Yes, pursuant to COMAR 10.43.07.05 C., Upon written petition, a licensed, certified or registered healthcare practitioner in good standing may request a waiver of the C.A. educational requirements. These are reviewed and determined by the Board on a case-by case basis. The burden is on the petitioner to provide all required, certified documentation as requested by the Board. If the educational requirements are waived, the applicant must still take the C.A. examination and be interviewed by the Board in its discretion.

QUESTION: *A New York Licensed Chiropractor is an official treating doctor for the NY Giants. The team will be in Baltimore for 4 days to play the Ravens. Under the new regulations, may the NY chiropractor be allowed to practice in Maryland?*

ANSWER: Yes, pursuant to COMAR 10.43.05D., the Board may waive educational or examination requirements for any licensed chiropractor applying to practice with a visiting organization for less than 30 days per calendar year provided he/she is licensed in good standing in a recognized jurisdiction and provided the practice in Maryland is limited exclusively to members of the visiting organization.

QUESTION: *Why is there now a \$200.00 penalty for failing to submit a current mailing address?*

ANSWER: COMAR 10.43.06.02S. provides for a \$200.00 penalty for failure to maintain a correct address with the Board. The importance of this relates to the Board's necessity to accurately and timely contact all licensees for a multitude of reasons, including: licensing, discipline, regulatory and policy changes, etc. It is imperative that the Board be able to communicate with its licensees; accordingly there is a stringent penalty for failing to do so. On the last page of every newsletter (including this one) there is a clip-out notification coupon for licensees to use in the event that their mailing address changes.

QUESTION: *How detailed must the new required C.A. Applicant/Trainee log/record be? What is its purpose?*

ANSWER: Pursuant to COMAR 10.43.07.03C., the Supervising Chiropractor must maintain an accurate, legible and comprehensive record of all clinical training provided to the C.A. applicant on a daily basis. The record/log must contain: dates/times/duration of training modalities, equipment used, signature of the Supervising Chiropractor. A sample log is attached to all Notification of C.A. Employment Application Forms. The log MUST be subject to review at any time by the Board and MUST be submitted with the C.A. application following completion of all clinical training in order to qualify to take the final examination. This record/log is critical because it verifies and records the training that the Supervising Chiropractor has provided to the C.A. Applicant/Trainee. Failure to maintain this record/log is a violation of the regulations. (See page 4 of this newsletter for a sample daily log sheet)

QUESTION: *What will the new Supervising Chiropractor Examination (For post 10/22/07 applicants) consist of and why is it necessary?*

ANSWER: Pursuant to COMAR 10.43.07.02, a Supervising Chiropractor must take/pass a Board exam and interview. This exam will Essentially be a specialized jurisprudence exam of approximately 25-50 multiple choice questions. It will cover Chapter of the regulations which deals with C.A.s and Supervising Chiropractors and will also cover areas of ethics and scope of practice. The interview will allow the Board to question the applicant regarding nuances of general supervising techniques and the applicant's ability to discern and interpret pertinent regulations, guidelines and policies relating to working with C.A.s.

FROM THE DESK OF THE EXECUTIVE DIRECTOR



A SUCCESSFUL, COOPERATIVE EFFORT

The regulations revision culminated a 2 1/2 year cooperative project that brought together the existing Board, 4 past Board Presidents, the MCA, AMTA, numerous interested CEU providers, licensees and members of the general public. Several open, public meetings were held where many good comments, ideas and criticisms were received. The Board believes that the revised regulations truly represent the interests of the general public, the State and the profession. It is rare to get the kind of extended and consistent cooperation that came together to craft these regulations. On behalf of DHMH and the Board, I sincerely thank all of you who contributed to making these regulations practical and meaningful to all while simultaneously protecting the general public.

PROPER PROTOCOLS TO COMMUNICATE WITH THE BOARD

Every licensee has the right to communicate petitions, questions, comments and criticisms to the Board and the Board welcomes and encourages any submissions. However, all contact with the Board must be via its staff office. Licensees should not individually send correspondence, telephone, email or personally seek advice or comment of Board members on DHMH / Board business and issues. This procedure is important to ensure that all issues are properly and fairly reviewed and that there is no perception of favoritism or impropriety. To place an issue before the Board, please address the issue in writing, typed and on letterhead at least two weeks before the meeting in which you wish to be placed on the meeting agenda.

SOME RECENT SCOPE OF PRACTICE ISSUES

The Board recently responded to the following scope of practice issues submitted by licensees

ISSUE: May a licensee employ iontophoresis where a patient is issued a prescription medication by a medical physician? The Board opined **YES**. Iontophoresis is authorized within chiropractic scope of practice, provided that the patient submits the prescribed medication with instructions on application and dosage from the prescribing physician.

ISSUE: May a C.A. assist a supervising chiropractor in employing a TENS Unit and in conducting ECV Testing? The Board opined **NO**. Pursuant to COMAR 10.43.07, the specific provisions relating to authorized duties and scope of practice of a C.A. does not include assisting in the application of ECV Testing. The C.A. original regulations and the revised regulations were/are very specific and detailed. Unless a modality is specified in the regulation, it falls outside of the scope of C.A. practice.

ISSUE: To what extent may a C.A. instruct a patient in exercise regimen? The Board opined that, pursuant to the revised regulations, (COMAR 10.43.07), a C.A., after being properly trained by the Supervising Chiropractor, may demonstrate and oversee follow-up exercises for a patient. It is incumbent on the Supervising Chiropractor to ensure that his/her C.A. has had thorough training in both the basics of the exercise regimen and the application to proper patient demonstration and follow-up routines. Such training should be documented in the practice files.

ISSUE: Under what restrictions may a Chiropractor conduct Video fluoroscopy and Low Level Laser Therapy? Video fluoroscopy and Low Level Laser Therapy may only be conducted where the applicant has petitioned the Board and received written approval that he/she has sufficient education, training and experience to perform the procedures. The licensee must submit a written request enclosing all pertinent documentation supporting his/her qualifications. Currently, the Board requires a minimum 12-hour course in laserology (the only 2 approved courses are conducted by Logan and NYCC). In addition, only a licensee with PT privileges may perform laser therapy since it is considered a Physical Therapy modality.



APPROVED PRACTICE TRADE NAMES

Since the last Newsletter, the Board of Examiners has approved the following trade names:

Central Avenue Chiropractic Clinic Mohammed Yousefi, D.C.

Chiropractic and Allergy Treatment Center, Robert Poane, D.C.

Effective Chiropractic, Anthony Hardnett, D.C.

Life Care Chiropractic&Wellness Center, Rhonda Sharman, D.C.

Maryland Rehab Associates, Frak Alfano, D.C. and Scott Tuminelli, D.C., Scott Tuminelli, D.C.

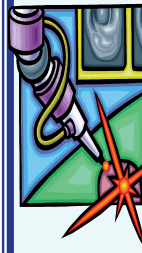
Optimal Health Chiropractic, Jeffrey Michael, D.C.

Rockville Wellness Center, Thien Dan-Tan, D.C., Thien Dan-Tan, D.C.

Tuckahoe Chiropractic, Collin D. Johnson, D.C.

Yousefi Chiropractic Clinic, Mohammed Yousefi, D.C.

Licensees are reminded that, pursuant to Health Occupations Article Section 3-407, licensees may not use a trade name unless/until it has been pre-approved in writing by the Board. All requests must be typed and submitted by a licensee on letterhead to the Board. The Board will consider the trade name request at the next available General Session (held 2nd Thursday of each month).



LASER & VIDEOFLUROSCOPY APPROVALS

The following licensees were approved (since the last newsletter) to utilize low level laser therapy and Video fluoroscopy

LOW LEVEL LASER

Frank Alfano, D.C.

Robert Bechter, D.C.

Nicholas Caruso, D.C.

Alan Cornfield, D.C.

Cheryl Lee-Pow, D.C.

VIDEO FLUOROSCOPY

Gerald Driscoll, D.C.

James Roeder, D.C.

REMEMBER: Only licensees with Physical Therapy endorsements may use low level laser therapy since it is a physical therapy modality. Licensees with PT endorsements seeking to use laser must satisfactorily complete a Board approved course in low level laser therapy. Also, please note that the Board does not approve or license the laser equipment; however, only low level lasers approved by the FDA may be utilized.

For Video fluoroscopy, applicants must seek formal Board approval by submitting a detailed written petition outlining their training, education and experience in Video fluoroscopy. The petition must include copies of all supporting coursework, clinical training, letters of recommendation, etc.

NEW PRACTICE HANDBOOK ONLINE SOON

The Board has spent nearly 2 years developing a 27 page practice handbook. This booklet discusses issues of scope of practice, professionalism, boundary issues, patient relations, regulations, statutes and problem areas. It also covers nuances of the disciplinary processes, hearings, investigations and the duties and responsibilities of Board members and licensees.

This will soon be available online at the Board Website at www.mdchiro.org. All licensees are strongly encouraged to review and download this important and informative booklet, keep it handy and refer to it often as needed.

TIMELINE FOR CA CPR CERTIFICATION

Under the revised regulations, all CA applicant/trainees and existing registered CAs must be CPR certified (provider level) with a course from the American Heart Association or the American Red Cross. **Applicant/Trainees must produce evidence of the certification as part of their application package and will not sit for the CA exam without it.**

Registered CAs have until their next renewal (April 1, 2009) to obtain CPR certification. However, earlier certification is strongly encouraged.

PRACTICAL GUIDANCE REGARDING MAINTAINING THE REQUIRED C.A. APPLICANT TRAINING LOG

Under COMAR 10.43.07, the newly revised C.A. regulations now require every Supervising Chiropractor to maintain a detailed training log of their respective C.A. Applicant/trainee. These logs are subject to review by the Board at any time and must be kept current, legible and accurate. Additionally, a copy of the completed log must be turned in with the applicant's documentation in order to qualify for the final examination. The Board has received inquiries regarding the detail and scope of this log. **Essentially, this log can be kept simple but must:**

- **Be kept on a daily basis**
- **Detail the types of modalities attended to by the Applicant and reflect number of patients**
- **Detail the amount of time spent on the modality/procedure**
- **Include comment by the Supervising Chiropractor as to whether the trainee completed the instruction satisfactorily or unsatisfactorily with appropriate training recommendations**
- **Include the daily signature of the Supervising Chiropractor supervising the training**

Significantly, this log formally verifies all clinical training accomplished and that the applicant is or is not sufficiently trained to take the final C.A. Exam. It is an important document for both the Supervising Chiropractor and the C.A. Applicant—Trainee.

BELOW IS AN EXAMPLE OF AN ACCEPTABLE LOG ENTRY FOR 2 DAYS of TRAINING

SAMPLE CA APPLICANT DAILY TRAINING LOG

APPLICANT NAME: *Mary Doe* - DATE OF HIRE: 1/06/08

Training Date	Modality	Applicant Time	Notes	Supervisor Signature
1/11/08	Elec. Stimulation - on 3 patients	4.5 hrs total	Satisfactory	/s/ J.Doe DC
“	Mech. Traction- on 2 patients	2.0 hrs total	Unsatisfactory —did not grasp tech- niques. Needs more observation time and instruction.	/s/ J.Doe DC
1/12/08	Develop X-rays	1.0 hr	Satisfactory	/s/ J.Doe DC
“	Apply Hot Packs For 2 patients	3.0 hrs total	Satisfactory	/s/J.Doe DC
“	Conduct follow-up Exercises for 2 patients	3.0 hrs total	Unsatisfactory— used incorrect pro- cedures and con- fused patients— needs more training	/s/ J.Doe DC



MORE NUANCES OF CULTURAL SENSITIVITY

(Physical & Mental Disabilities)

In addition to practice considerations regarding race, culture and ethnic background, there are other 'special needs' patients that may require consideration. Handicapped patients usually require special considerations and needs. A handicap may be physical or mental.

Common examples of physical handicaps you may face as a licensee are: deaf/hearing impaired, blind/sight impaired, speech impaired, ambulatory issues, etc. Mental impairments may also affect a prospective patient. For example, a family member may have dementia, Alzheimer's, developmental disorders, etc. As a practicing licensee, you must make every reasonable effort to accommodate such special needs patients.

Many times, it is just a matter of arranging for a family chaperone, a signer or accompanying healthcare escort to ensure the safety and efficacious care of the individual. Most of the time, these arrangements take careful planning, time and patience, however; it is incumbent on the licensee to make every effort to accommodate handicaps.

It is anticipated that soon, there will be many cultural sensitivity CEU offerings available. You may be credited with up to 3 CEU hours for satisfactorily completing such a course/program.

New Licensees

Since last Newsletter



Darel Andrews
Gary Duermitt
Anthony Hardnett
Dave Hastings
Robert McClure
Jeffrey Michael
Katherine Parde

SOME MEMORABLE

MISCALCULATION QUOTES

Follow me boys, we have them now...LTCOL George A. Custer, Little Bighorn River, Montana, June 25, 1876.

There is now a light at the end of the tunnel...President Lyndon Johnson, 1967 describing the situation in Vietnam.

This ship is unsinkable...George Ismay, Builder of SS Titanic, April 11, 1912.

Everything that could be invented has already been invented...U.S. Patent & Trademark Office Spokesman, 1899

UPCOMING MAJOR BOARD INITIATIVES

Over the next few months, these challenging initiatives will be undertaken by the Board.

- **MOVING:** Later this winter (tentatively the 1st week of February), Board offices will move from their present 2nd floor location to the 3rd floor. This is being done by DHMH to consolidate more Boards in the same area to share certain administrative and logistical assets in order to save time, effort and money. We will endeavor to keep disruption to a minimum, however, there will be about a week long period where the ability to do business will be seriously impaired. We will continue to keep all licensees updated as things progress.
- **DATABASE:** Over the next several months, the Board will be transitioning to a new, improved, modern database. When completed, hopefully, licensees will be able to renew their licenses online, paying by credit card. Also, the new system will have full public access to the chiropractic and massage licensee roster. This will enable insurance companies and the general public to view all pertinent data regarding: Licensee, business address, date of license, license status and summarized details of any disciplinary history. Gradually, the Board will move to an entirely electronic venue where all notices, mailings, newsletters, etc will be disseminated via the internet. This will substantially save time, postage and costs compared with 'hard copy' mailings.
- **NO-COST RISK MANAGEMENT & JURISPRUDENCE PRESENTATION:** The Board is planning a program of no-cost risk-management seminars over the next 12 months. Further information will be disseminated by flyer, postcard and the Board website. The program is anticipated to cover both the risk management and jurisprudence units required under the CEU regulations. If funds permit, the Board may conduct these programs on a regional site basis. If not, the programs will be held at Board Offices on Patterson Ave, Baltimore. It is planned to hold the seminars on dates sufficient for all to attend and special needs such as religious requirements will be taken into consideration when planning dates.

DHMH: UNIT 83
Board of Chiropractic Examiners
4201 Patterson Ave
Baltimore, MD 21215-2299



CHECK BOARD
UPDATES & REGS
ONLINE

Licensees may check pertinent information, updates and disciplinary summaries as well as downloading the regulations online at the Board Website:

www.mdchiro.org

ADDRESS LABEL HERE

CHANGE OF ADDRESS FORM

(To be submitted every time a licensee changes mailing address)

The Board regulations require all licensees to maintain a current address with the Board. **There is a \$200. penalty for failure to maintain a current address with the Board.** If you have recently moved or are planning a move, please complete and mail the following:

I, _____, submit that my current official mailing address is

_____.

The change was/is effective on _____ . New phone is _____ ,

E-mail address is: _____ .

Chiropractor signature _____ Date _____ .

Mail to: MD Board of Chiropractic Examiners, 4201 Patterson Ave., Balto, MD 21215-2299

Attn Ms. Berger