

MTAC NEWS

Maryland Board of Chiropractic Examiners/Massage Therapy Advisory Committee

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SPECIAL NOTICE

The MTAC News is considered an official method of notification to massage therapists and massage practitioners. The MTAC News may be used in administrative hearings as proof of notification. Please read each MTAC News carefully and keep them in a safe place for future reference.

Questions regarding this notice may be directed to Christopher Kelter, Program Manager via phone 410.764-2965.

2008 LEGISLATIVE SESSION SUMMARY

HB 1563/SB 960 was introduced in the 2008 legislative session to expand the Board to add three massage therapists and one additional chiropractor. The bill also changes the Board name to be the Board of Chiropractic and Massage Therapy Examiners, eliminates the Massage Therapy Advisory Committee, and alters the title of Certified Massage Therapist to be Licensed Massage Therapist (LMT). The bills were enacted with the Governor's signature on April 24, 2008 as Chapters 242 and 243 of 2008.

The new law amends the structure of the Board effective July 2009 to include three Licensed Massage Therapists and one additional chiropractor; the number of consumer members remains at two. MTAC will terminate on October 1, 2008 as required by the statutory change. For more information see the insert related to this significant development.

Other legislation of interest is HB 1469 which would have established an Athletic Trainer Advisory Committee as a subunit of the Maryland Board of Physicians. The Board of Chiropractic Examiners along with the Board of Physical Therapy and the Board of Occupational Therapy opposed the bill on grounds that the bill would infringe of the scope of practice of chiropractors, massage therapists and practitioners, physical therapists, and occupational therapists. The bill was heard by the House Health and Government Operations Committee; however, no action was taken on this bill.

MTAC WEBSITE CHANGES

If you haven't had a chance to visit the MTAC website lately I encourage you to visit <http://www.mdmassage.org> at your earliest convenience. Board Investigator Teresa Thornton has undertaken the task of revamping the website – the members of the Board and the Committee are pleased with the results. Make it a habit to visit the website regularly to see updates and get the latest Board-related information. Additionally, on-line verification of a licensee's status is a new feature that exists to assist the consumer public and licensees alike (for more information please turn to page 2). Many thanks to Teresa Thornton for her efforts in this project.

Comments and suggestions for the MTAC/Massage Therapy Program website may be forwarded to the Board's Deputy Director/Massage Therapy Program Manager Christopher J. Kelter at kelterc@dhhm.state.md.us.

THE MOVE IS COMPLETE

The Board completed its move within the Metro Executive Building in mid-May 2008. All of the Board's phone numbers, fax numbers, e-mail addresses have not changed! Features of the Board's new office spaces include a closed-in suite that offers superior security of licensee records and Board equipment, a larger conference room, updated telephone/computer wiring, and improved air circulation. The Board staff appreciates everyone's patience and understanding during this hectic time.

National Certification Not Required to Renew

National certification through the NCBTMB or NCCAOM is not required to renew your Board-issued state certificate or registration. In order to practice massage for compensation in Maryland you must be certified or registered by the Maryland Board of Chiropractic Examiners. The NCBTMB or NCCAOM and their corresponding national certification processes are a non-government credential; accordingly, national certification is optional in Maryland once the initial four year national certification period has expired. Furthermore, there have been too many inquiries that suggest that massage professionals think it is "O.K." to practice massage in Maryland with only a national certificate. Maryland law requires a State issued certificate or registration if practicing massage for compensation. If you know of anyone practicing massage without a license you are required by regulation to report it to the Board; these complaints should be made in writing.

2,637**ACTIVE CERTIFIED MESSAGE THERAPISTS****664****ACTIVE REGISTERED MESSAGE PRACTITIONERS**

This data is current as of May 21, 2008. Since the publication of the last MTAC News 100 CMTs and 65 RMPs have joined the ranks of massage professionals in Maryland.

Program Manager Report

Another busy biennial cycle is rapidly coming to a close. I am constantly reminded how fortunate I am to be working along side my fellow professionals with the Board, the Committee, Board staff, and caring health care practitioners. The past two years have been extremely rewarding and I look forward to many years with the Board.

I'd like to take this opportunity to remind all CMTs and RMPs that the Board has established procedures for communicating with the Board—this was highlighted in the Fall 2007/Winter 2008 MTAC News in the Program Manager Report. Please take a moment to review the procedures detailed in the previous MTAC News.

Also, renewal time is fast approaching. Renewal notices will be mailed out in late August or early September. Renewal notices will contain all the information you'll need to renew your license/registration. If you have not already done so review the CEU requirements and ensure that you have the required CEUs to qualify for the next biennial cycle. The Massage Therapy Program staff will endeavor to minimize any negative impact to CMTs, RMPs, other healthcare professionals, and the consumer public during the renewal period.

Massage of Animals is Not Permitted

The Board continues to uncover situations involving certified massage therapists and registered massage practitioners engaged in the practice of massage of animals. Please be advised that Maryland law governing the practice of massage therapy and non-therapeutic massage is exclusively for the practice of massage of the human anatomy and does not permit the massage of animals. Cease and desist orders have been issued to therapists and practitioners who are known to be practicing animal massage or are otherwise actively engaged in advertising their services for massage of animals. The practice of any healthcare modality is exclusively the jurisdiction of the Maryland State Board of Veterinary Medical Examiners (part of the Maryland Department of Agriculture).

On-Line Verification of Licensee Status is Now Available

One of the many enhancements to the Board's electronic data resources is on-line verification of licensee status. This verification feature allows the consumer public, licensees, and other health care professionals to verify the status of massage therapists and massage practitioners. Alert your patients/clients, your professional colleagues, associates, and friends about this exciting new feature. Report any "bugs" or problems to the Deputy Director at kelterc@dnhm.state.md.us.

Note of Interest – Practice of Massage without a State Issued Certificate/Registration

Board Investigator Teresa Thornton worked with the Baltimore County Police Department in a raid and subsequent arrest of four individuals who were practicing massage in a setting known for prostitution-related activities. One of the four individuals arrested previously held a State-issued certificate that was revoked for similar conduct.

DISCIPLINARY ORDERS

The Board executed the following public disciplinary orders since the last MTAC News:

- **Kerry McWilliams-Shek, Reinstatement Applicant** – 2/14/08, Practicing without a renewed certificate. ORDERED: \$500.00 fine and formal reprimand.

The Board executed the following non-public informal order since the last MTAC News (respondent identities may not be released):

- **"A2". CMT** – 2/26/08, Letter of education issued to CMT for the purpose of advising better communication and proper draping.

Additionally, warning letters were issued to three current CMTs/RMPs that were peripherally involved in a case that resulted in a public disciplinary order.

CORRECTION: In the Fall 2007/Winter 2008 MTAC News it was incorrectly noted that Ms. Tatiana Tchamouroff would be required to serve a 2 year probationary period. Ms. Tchamouroff is required to serve a 1 year probationary period.

The Spring 2008 MTAC News contains one supplementary item on one separate page:

Supplement #1 contains Frequently Asked Questions regarding the expanded Board.

Contact Christopher J. Kelter via e-mail at kelterc@dhmh.state.md.us for more information regarding this supplement. _____

Database Initiative

The Board continues the transition to a new and improved database. The new database has enhanced functions to assist the Board in meeting its fiduciary and regulatory responsibilities.

In the future, when the database transition is completed, licensees will be able to renew their licenses, certificates, or registrations online and pay renewal fees by credit card. It is not yet known if this feature will be in place prior to the next renewal cycle.

Over time the Board will move to an entirely electronic means of communicating with its licensees including all notices, mailings, newsletters distributed via e-mail/internet. The Board hopes to save considerable expenses in avoiding costs associated with printing, handling, and postage.

Proposed Fee Changes

The Board is proposing amendments to the fee regulations for both the chiropractic and massage programs. Fee changes are necessary as a result of steady increases to the costs of utilities, rent, attorney representation, hearings as well as administrative, investigative, and staffing expenses. Fees for massage therapists and practitioners have not changed since the inception of the program in 1999. All fees must be brought into line with the costs of running the statutorily required licensing and compliance functions. Fees will be adjusted in consonance with increased costs and available revenue.

Illegal Mall Massage Practice: Update

The Board continues its efforts to address and eliminate illegal massage services offered at mall kiosks and storefronts. The Board continues to educate mall management companies across the state to ensure that they have procedures in place so that they are confident their tenants are in compliance with all state laws and regulations regarding massage therapy. Most recently, local law enforcement agents made arrests at Anne Arundel Mills Mall and Towson Town Center. Board staff will be conducting an information session to local law enforcement agents during Fall 2008. This will be similar to the informational seminar provided to law enforcement officials and mall management companies in Fall 2006. The seminar will address changes in the law, assist law enforcement officials in understanding the massage therapy and non-therapeutic massage licensing/registration requirements, and provide a forum for ongoing dialogue between all parties in this important issue.

If you observe the illegal practice of massage occurring in any setting the Board strongly urges you to contact mall management and local law enforcement agencies; then inform the Board of the action you've taken. Additionally, you should formally file a written complaint with the Board.

The Public Needs to Know!

Certificate and registration holders must display their certificate or registration conspicuously in the space where the certificate or registration holder engages in practice, including any temporary space or in any exhibit location (see COMAR 10.43.17.06C and 10.43.17.07C for more information).

In any advertisement, the certificate or registration holder shall state in the advertisement "State of Maryland certified massage therapist" or "State of Maryland registered massage practitioner" (COMAR 10.43.20.03B for more information).

MTAC Meetings (through September 2008)

June 19, 2008 (cancelled)

July 17, 2008

August 21, 2008

September 18, 2008

The General Session is open to the public at begins at 9:30am sharp. The Executive Session immediately follows; the Executive Session deals with confidential matters and is closed to the public.

Questions for consideration by MTAC must be submitted in writing at least two weeks prior to the meeting date to Christopher Kelter, Deputy Director at the Board's address or via e-mail at kelterc@dhmh.state.md.us.

Workers' Compensation Insurance

Workers' Compensation Insurance is required in the State of Maryland if you hire one or more employees. Visit <http://www.wcc.state.md.us> or call 410.864-5100 for more information.

Unit 83
Board of Chiropractic Examiners
4201 Patterson Avenue
Baltimore, MD 21215-2299

Mailing Address Line 1
Mailing Address Line 2
Mailing Address Line 3
Mailing Address Line 4

Remember to visit the MTAC website regularly
at www.mdmassage.org for important updates.

Regulations require all licensees to maintain a current mailing address with the Board. Any change to a mailing address must be reported to the Board within 60 days after the change of address. Failure to do so will result in an administrative penalty of \$100.00.

CHANGE OF ADDRESS NOTIFICATION

I _____ submit that my official mailing address is changed to:

Street City/State Zip

Contact/Phone Number _____ (if applicable)

E-mail address _____ (if applicable)

The address change was/is effective on: _____

Signature CMT or RMP Number Date

Address changes can be e-mailed to:
jonesel@dnhmh.state.md.us

Name changes must be accompanied by a copy of the official court document with written correspondence.

Emily Jones
Board of Chiropractic Examiners- Massage Therapy Program
4201 Patterson Avenue
Baltimore, Maryland 21215 – 2299

Expanded Board FAQ

What will be the name of the newly constituted and expanded Board?

Effective October 1, 2008 the expanded Board will be called the *Maryland Board of Chiropractic and Massage Therapy Examiners*. However, by statute, the expansion of the Board will not occur until July 1, 2009, when three new licensed massage therapists and one new chiropractor will be added.

When do the new Board members start and who appoints them?

The three new Certified Massage Therapists and the one additional chiropractor will begin their new terms in July 1, 2009 after they are appointed by the Governor under procedures set forth in the statute. Neither the Board nor its staff have any input or influence in nominating or appointing members.

What happens to the Massage Therapy Advisory Committee (MTAC)?

Pursuant to the statute, effective October 1, 2008 the MTAC ceases to exist as the Committee will be deleted from law. Until new Board members are appointed, current MTAC members may continue in an ad hoc volunteer sub-committee status to entertain non-disciplinary massage issues.

When will the laws and regulations be amended?

The law has already been amended as passed by the General Assembly and enacted by the Governor; however, it becomes effective October 1, 2008. The implementing regulations will be amended over the next year or so. The majority of the changes will be technical corrections, but other issues may be addressed as needs arise. The current Board intends to wait until the new massage members are appointed to the Board before drafting substantive, non-technical regulations to allow for full massage profession input and advice. All regulatory changes will follow normal public notice procedures.

Will there be any changes to the fees as a result of the expanded Board?

There are no fee changes as a direct result of the enactment of the bill to expand the Board to include massage therapists. However, fee increases are proposed for chiropractors, chiropractic assistants and massage therapists to address increased program costs since the original fees were established in 1999.

Were there any changes to the scope of practice for massage therapists and practitioners?

No, there are no changes to the scope of practice for massage therapists and practitioners. All questions regarding scope of practice must be address via a written petition to the Board.

I am a Certified Massage Therapist (CMT) now; what happens at renewal in October 2008?

CMTs will become Licensed Massage Therapists (LMTs) effective November 1, 2008 with the issuance of the renewal license. CMTs may not use the title *Licensed Massage Therapist* or *LMT* until October 1, 2008. Use of the foregoing terms will be investigated and, if necessary, addressed by the Board via disciplinary action.

Expanded Board FAQ

I am currently a Registered Massage Practitioner (RMP); what happens to my registration at the next renewal?

RMPs will remain RMPs with the next renewal cycle.

Are there any changes to the continuing education requirements for massage therapists and practitioners?

No, there are no changes to the continuing education requirements. All renewal applicants will be required to complete the 24 CEUs prior to renewal. Only those renewal applicants who were issued their original certificate or registration between November 1, 2007 and October 31, 2008 will be exempt from the CEU requirements for the November 2008 through October 2010 cycle.

Will there be any changes to the reactivation or reinstatement procedures?

No, there will be no changes to the reactivation or reinstatement procedures. Among other requirements, all reactivation applicants and reinstatement applicants will be required to show proof of having completed the CEU requirements and provide the appropriate fees.

How will changes in the law affect my business and the way in which I do business?

The only change to the way in which massage therapists and massage practitioners conduct their business is that trade names used in advertising, signage, business cards, etc. will have to be approved by the Board. The Board will provide information on how to seek approval of a trade name; **do not** seek approval of any trade name at this time.

The Board anticipates that there may be some issues related to trade name approval. The Board will ensure proper guidance is provided and an efficient procedure is in place to address all trade name related issues and problems in an prudent, fair, and equitable manner.

The Board will address trade name issues and administrative procedures to register trade names in the Fall 2008 newsletter and on the massage website at www.mdmassage.org.

What else is important to know?

Once the new massage professional members are seated on the Board they will chair disciplinary hearings on massage licensees and a chiropractor will chair disciplinary hearings on chiropractors; however, all 11 Board members will have a full vote in all disciplinary cases.

The Board staff will remain the same. It is anticipated that Mr. Vallone, Executive Director, will continue to administer the chiropractic program and Mr. Kelter, Deputy Director, will continue to administer the massage program.

After October 1, 2008, ALL massage, chiropractic and chiropractic assistant issues will be solely and exclusively addressed by the new Maryland Board of Chiropractic and Massage Therapy Examiners.