

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 208 (Delegate Pendergrass)
Health and Government Operations Education, Health, and Environmental Affairs

**State Board of Chiropractic and Massage Therapy Examiners - Preapproval for
Use of Trade Names - Repeal**

This bill repeals the requirement that a licensed chiropractor, licensed massage therapist, or a registered massage practitioner obtain approval from the State Board of Chiropractic and Massage Therapy Examiners prior to using a trade name.

Fiscal Summary

State Effect: None. The change is procedural in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Current Law: A licensed chiropractor, licensed massage therapist, or registered massage practitioner may use a trade name in connection with his or her practice if (1) the use of the trade name is not deceptive or misleading; (2) the advertisement where the trade name appears includes the name of the licensed or registered provider or name of the business providing the services; (3) the name of the licensed or registered provider providing services appears on the billing invoices, stationary, and any receipt given to the patient; (4) treatment records are maintained that clearly identify the licensed or registered provider who has performed the services for the patient; and (5) the use of a trade name is preapproved by the board before use.

In addition to obtaining board approval, licensees and registrants must also register their trade name with the Maryland State Department of Assessments and Taxation (SDAT) and pay a fee. The bill's provisions do not change this requirement. SDAT maintains a public database of all registered trade names in the State and ensures that trade names are not misleading or duplicative. However, SDAT does not hold trade name registrants to the statutory standards specific to chiropractors, massage therapists, and massage practitioners. Neither SDAT nor the board investigates or enforces misuse of trade names.

Background: The State Board of Chiropractic and Massage Therapy Examiners is the only board that has a statutory requirement that a licensee or registrant obtain approval from the board before using a trade name. The board estimates that it reviews an average of 10 preapproval requests per month.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Department of Assessments and Taxation, Department of Health and Mental Hygiene, Department of Legislative Services

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min/jc

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