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**By: Delegate Fulton**

Introduced and read first time: February 12, 1996

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Chiropractic Examiners - Chiropractors - Modifications**

3 FOR the purpose of altering certain provisions of law related to the licensing and  
4 regulation of chiropractors by the Board of Chiropractic Examiners; altering certain  
5 qualification requirements for chiropractors being appointed to the Board; altering  
6 certain examination requirements; altering certain requirements for reinstatement  
7 of a license; altering certain provisions related to certain actions for which a  
8 licensee may be disciplined by the Board or an application for a license denied;  
9 requiring a chiropractor found guilty of certain violations to pay certain costs  
10 related to a hearing before the Board; requiring that the use of a trade name be  
11 preapproved by the Board prior to its use; and generally relating to altering certain  
12 provisions of law related to the licensing and regulation of chiropractors by the  
13 Board of Chiropractic Examiners.

14 BY repealing and reenacting, with amendments,

15 Article - Health Occupations

16 Section 3-202, 3-303(a), 3-304(d), 3-308(b), 3-310(a), 3-311, 3-313, 3-314(a), and

17 3-407

18 Annotated Code of Maryland

19 (1994 Replacement Volume and 1995 Supplement)

20 BY adding to

21 Article - Health Occupations

22 Section 3-315(g)

23 Annotated Code of Maryland

24 (1994 Replacement Volume and 1995 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article - Health Occupations**

28 3-202.

29 (a) (1) The Board consists of 7 members.

30 (2) Of the 7 members:

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1 (i) 5 shall be licensed chiropractors; and

2 (ii) 2 shall be consumer members.

3 (3) The Governor shall appoint the chiropractor members, with the advice  
4 of the Secretary, and with the advice and consent of the Senate, from a list of qualified  
5 individuals submitted to the Governor by the Maryland Chiropractic Association. The  
6 number of names on the list shall be five times the number of vacancies. The list shall  
7 include the name of the incumbent member unless the incumbent declines renomination.

8 (4) The Governor shall appoint the consumer members with the advice of  
9 the Secretary, and with the advice and consent of the Senate.

10 (b) Each chiropractor member of the Board shall be:

11 (1) A resident of this State;

12 (2) A licensed chiropractor of integrity and ability who is in active practice;

13 (3) A graduate of a resident course in chiropractic; and

14 (4) An individual who has practiced chiropractic in this State for at least 5  
15 consecutive years.

16 (c) Each consumer member of the Board:

17 (1) Shall be a member of the general public;

18 (2) May not be or ever have been a chiropractor or in training to become a  
19 chiropractor;

20 (3) May not have a household member who is a chiropractor or in training  
21 to become a chiropractor;

22 (4) May not participate or ever have participated in a commercial or  
23 professional field related to chiropractic;

24 (5) May not have a household member who participates in a commercial or  
25 professional field related to chiropractic; and

26 (6) May not have had, within 2 years before appointment, a substantial  
27 financial interest in a person regulated by the Board.

28 (D) (1) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS  
29 SECTION, EACH CHIROPRACTIC MEMBER OF THE BOARD SHALL BE A LICENSED  
30 CHIROPRACTOR WHOSE LICENSE IS IN GOOD STANDING WITH THE BOARD.

31 (2) FOR PURPOSES OF THIS SUBSECTION, "GOOD STANDING" MEANS  
32 THAT THE BOARD HAS NOT REPRIMANDED THE LICENSEE, SUSPENDED OR  
33 REVOKED THE LICENSE OF THE CHIROPRACTOR, OR PLACED THE LICENSEE ON  
34 PROBATION WITHIN 5 YEARS PRIOR TO OR AFTER CONFIRMATION TO THE BOARD.

35 [(d)] (E) While a member of the Board, a consumer member may not have a  
36 substantial financial interest in a person regulated by the Board.

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1 [(e)] (F) Before taking office, each appointee to the Board shall take the oath  
2 required by Article I, § 9 of the State Constitution.

3 [(f)] (G) (1) The term of a member is 4 years.

4 (2) The terms of members are staggered as required by the terms provided  
5 for members of the Board on July 1, 1986.

6 (3) At the end of a term, a member continues to serve until a successor is  
7 appointed and qualifies.

8 (4) A member who is appointed after a term has begun serves only for the  
9 rest of the term and until a successor is appointed and qualifies.

10 (5) The Governor shall fill any vacancy on the Board within 60 days of the  
11 date of the vacancy.

12 (6) A member may not serve more than 2 consecutive full terms.

13 [(g)] (H) (1) The Governor may remove a member for incompetence or  
14 misconduct.

15 (2) Upon the recommendation of the Secretary, the Governor may remove a  
16 member whom the Secretary finds to have been absent from 2 successive Board meetings  
17 without adequate reason.

18 3-303.

19 (a) To apply for a license, an applicant shall submit to the Board at least [15] 45  
20 days before an examination:

21 (1) An application on the form the Board requires that includes information  
22 of the applicant's:

23 (i) Educational history;

24 (ii) Experience in health care;

25 (iii) Hours and courses taken during chiropractic studies;

26 (iv) Training or studies in related fields; and

27 (v) Clinical experience;

28 (2) Certified transcripts that demonstrate compliance with the college credit  
29 requirements of § 3-302 of this subtitle;

30 (3) Proof of any degrees or certification alleged;

31 (4) Satisfactory evidence of good moral character; and

32 (5) An application fee set by the Board.

33 3-304.

34 (d) (1) The Board shall develop written evaluation criteria to be used to identify  
35 minimum competency on the oral or clinical portions of the examination.

4

1 (2) Except as otherwise provided in this section, the Board shall determine  
2 the subjects, scope, method, and form for examinations given under thistitle.

3 (3) Until the grading of all examinations is completed:

4 (i) The examination papers of each applicant shall be identified only  
5 by a number; and

6 (ii) The name of the applicant to whom an examination paper belongs  
7 may not be disclosed to any member of the Board.

8 (4) The examination shall include[:

9 (i) A written section on the sciences taught in preclinical courses,  
10 including:

- 11 1. Anatomy;
- 12 2. Bacteriology;
- 13 3. Chemistry;
- 14 4. Histology;
- 15 5. Pathology; and
- 16 6. Physiology; and

17 (ii) A] A written PRACTICAL or oral section on clinical subjects,  
18 including:

- 19 [1.] (I) Chiropractic principles;
- 20 [2.] (II) Chiropractic technique and practice;
- 21 [3.] (III) Hygiene;
- 22 [4.] (IV) Neurology;
- 23 [5.] (V) Orthopedics;
- 24 [6.] (VI) Physical diagnosis;
- 25 [7.] (VII) Roentgenology;
- 26 [8.] (VIII) Symptomatology; and
- 27 [9.] (IX) Physical therapy, as defined in § 13-101 ofthis article.

28 3-308.

29 (b) At least 1 month before a license expires, [the secretary-treasurer of] the  
30 Board shall send to each licensee, by first class mail to the last known address of the  
31 licensee, a renewal form and a renewal notice that states:

32 (1) The date on which the current license expires;

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1 (2) That the renewal application and fee must be received by the Board on  
2 or before the license expiration date; and

3 (3) The amount of the renewal fee.

4 3-310.

5 (a) If a chiropractor fails for any reason to renew the license of the chiropractor,  
6 the Board shall reinstate the license if the chiropractor:

7 (1) Applies to the Board for reinstatement of the license within 5 years after  
8 the license expires;

9 (2) Meets the renewal requirements of § 3-308 of this subtitle;[and]

10 (3) Pays to the Board the reinstatement fee set by the Board; AND

11 (4) PASSES, WITH A SCORE OF AT LEAST 75%, THE LAW AND  
12 REGULATIONS PORTION OF THE BOARD'S EXAMINATION.

13 3-311.

14 (a) The Board shall place a licensee on inactive status, if the licensee submits to  
15 the Board:

16 (1) An application for inactive status on the form required by the Board;  
17 and

18 (2) The [annual] inactive status fee set by the Board.

19 (b) A licensee on inactive status may reactivate the license at any time if the  
20 licensee:

21 (1) Complies with the continuing education requirements in effect for the  
22 [year] RENEWAL PERIOD in which the licensee seeks to reactivate the license; and

23 (2) Pays the reinstatement fee set by the Board.

24 3-313.

25 Subject to the hearing provisions of § 3-315 of this subtitle, the Board may deny a  
26 license to any applicant, reprimand any licensee, place any licensee on probation, WITH  
27 OR WITHOUT CONDITIONS, or suspend or revoke a license, OR ANY COMBINATION  
28 THEREOF, if the applicant or licensee:

29 (1) Fraudulently or deceptively obtains or attempts to obtain a license for  
30 the applicant or licensee or for another;

31 (2) Fraudulently or deceptively uses a license;

32 (3) Practices chiropractic under a false name;

33 (4) Impersonates another practitioner;

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1 (5) Is convicted of or pleads guilty or nolo contendere to a felony or to a  
2 crime involving moral turpitude, whether or not any appeal or other proceeding is  
3 pending to have the conviction or plea set aside;

4 (6) Provides professional services while:

5 (i) Under the influence of alcohol; or

6 (ii) Using any narcotic or controlled dangerous substance, as defined  
7 in Article 27 of the Code, or other drug that is in excess of therapeutic amounts or  
8 without valid medical indication;

9 (7) Solicits or advertises in a false or misleading manner or in any other  
10 manner not approved by the Board;

11 (8) Is unethical in the conduct of the practice of chiropractic;

12 (9) Is professionally[, physically, or mentally] incompetent;

13 (10) Abandons a patient;

14 (11) Misrepresents the effectiveness of any treatment, drugs, devices,  
15 appliances, or goods to a patient so as to exploit the patient for financial gain;

16 (12) [Willfully makes] MAKES or files a false report or record in the practice  
17 of chiropractic;

18 (13) [Willfully fails] FAILS to file or record any report as required by law;

19 (14) [Willfully impedes] IMPEDES or obstructs the filing or recording of the  
20 report, or induces another to fail to file or record the report;

21 (15) Pays or agrees to pay any sum to any person for bringing or referring a  
22 patient;

23 (16) [Grossly and willfully:

24 (i) Overcharges for professional services; or

25 (ii) Submits false statements to collect fees for which services are not  
26 provided] OVERUTILIZES HEALTH CARE SERVICES;

27 (17) Is disciplined by a licensing or disciplinary authority of any other state or  
28 country or convicted by a court of any state or country for an act that would be grounds  
29 for disciplinary action under this section;

30 (18) Practices chiropractic with an unauthorized person or supervises or aids  
31 an unauthorized person in the practice of chiropractic;

32 (19) Violates any rule or regulation adopted by the Board;

33 (20) Behaves immorally in the practice of chiropractic;

34 (21) Commits an act of unprofessional conduct in the practice of chiropractic;  
35 [or]

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1 (22) Refuses, withholds from, denies, or discriminates against an individual  
2 with regard to the provision of professional services for which the licensee is licensed and  
3 qualified to render because the individual is HIV positive;

4 (23) SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR WHICH  
5 SERVICES WERE NOT PROVIDED;

6 (24) MISREPRESENTS QUALIFICATIONS, EDUCATION, TRAINING, OR  
7 CLINICAL EXPERIENCE;

8 (25) IS PHYSICALLY OR MENTALLY IMPAIRED TO THE EXTENT THAT IT  
9 IMPAIRS THE APPLICANT'S OR LICENSEE'S ABILITY TO PRACTICE CHIROPRACTIC  
10 SAFELY; OR

11 (26) VIOLATES ANY PROVISION OF THIS TITLE.

12 3-314.

13 (a) If after a hearing under § 3-315 of this subtitle the Board finds that there are  
14 grounds under § 3-313 of this subtitle to suspend or revoke a license, the Board may  
15 impose a penalty not exceeding \$5,000 FOR EACH VIOLATION:

16 (1) Instead of suspending the license; or

17 (2) In addition to suspending or revoking the license.

18 3-315.

19 (G) IF, AFTER A HEARING, A CHIROPRACTOR IS FOUND IN VIOLATION OF §  
20 3-313 OF THIS SUBTITLE, THE CHIROPRACTOR SHALL PAY TO THE BOARD THE COSTS  
21 FOR COURT REPORTING SERVICES.

22 3-407.

23 A licensed chiropractor may use a trade name in connection with the practice of  
24 chiropractic provided that:

25 (1) The use of the trade name is not deceptive or misleading;

26 (2) The advertisement in which the trade name appears includes the name  
27 of the licensed chiropractor or the name of the business entity providing the chiropractic  
28 services being advertised as long as the advertisement includes the name of a licensed  
29 chiropractor;

30 (3) The name of the licensed chiropractor providing chiropractic services  
31 appears on the billing invoices, stationery, and on any receipt given to a patient; [and]

32 (4) Treatment records are maintained that clearly identify the licensed  
33 chiropractor who has performed the chiropractic service for the patient; AND

34 (5) THE USE OF A TRADE NAME IS PREAPPROVED BY THE BOARD  
35 BEFORE USE.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
37 October 1, 1996.

