
By: Delegate Fulton

Introduced and read first time: February 12, 1996

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 1996

CHAPTER ____

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)

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1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Health Occupations**

4 3-202.

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

6 (2) Of the 7 members:

7 (i) 5 shall be licensed chiropractors; and

8 (ii) 2 shall be consumer members.

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

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

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

17 (1) A resident of this State;

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

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

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

22 (c) Each consumer member of the Board:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 3-303.

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

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

32 (i) Educational history;

33 (ii) Experience in health care;

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

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

36 (v) Clinical experience;

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

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

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

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

6 3-304.

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

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

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

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

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

16 (4) The examination shall include[:

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

19 1. Anatomy;

20 2. Bacteriology;

21 3. Chemistry;

22 4. Histology;

23 5. Pathology; and

24 6. Physiology; and

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

27 [1.] (I) Chiropractic principles;

28 [2.] (II) Chiropractic technique and practice;

29 [3.] (III) Hygiene;

30 [4.] (IV) Neurology;

31 [5.] (V) Orthopedics;

32 [6.] (VI) Physical diagnosis;

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- 1 [7.] (VII) Roentgenology;
- 2 [8.] (VIII) Symptomatology; and
- 3 [9.] (IX) Physical therapy, as defined in § 13-101 of this article.

4 3-308.

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

- 8 (1) The date on which the current license expires;
- 9 (2) That the renewal application and fee must be received by the Board on
10 or before the license expiration date; and
- 11 (3) The amount of the renewal fee.

12 3-310.

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

- 15 (1) Applies to the Board for reinstatement of the license within 5 years after
16 the license expires;
- 17 (2) Meets the renewal requirements of § 3-308 of this subtitle;[and]
- 18 (3) Pays to the Board the reinstatement fee set by the Board; AND
- 19 (4) ~~PASSES, WITH A SCORE OF AT LEAST 75%,~~ THE LAW AND
20 REGULATIONS PORTION OF THE BOARD'S EXAMINATION.

21 3-311.

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

- 24 (1) An application for inactive status on the form required by the Board;
25 and
- 26 (2) The [annual] inactive status fee set by the Board.

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

- 29 (1) Complies with the continuing education requirements in effect for the
30 [year] RENEWAL PERIOD in which the licensee seeks to reactivate the license; and
- 31 (2) Pays the reinstatement fee set by the Board.

32 3-313.

33 Subject to the hearing provisions of § 3-315 of this subtitle, the Board may deny a
34 license to any applicant, reprimand any licensee, place any licensee on probation, WITH

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1 OR WITHOUT CONDITIONS, or suspend or revoke a license, OR ANY COMBINATION
2 THEREOF, if the applicant or licensee:

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

5 (2) Fraudulently or deceptively uses a license;

6 (3) Practices chiropractic under a false name;

7 (4) Impersonates another practitioner;

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

11 (6) Provides professional services while:

12 (i) Under the influence of alcohol; or

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

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

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

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

20 (10) Abandons a patient;

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

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

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

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

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

30 (16) [Grossly and willfully]:

31 (i) Overcharges for professional services; or

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

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

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

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

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

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

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

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

15 (24) MISREPRESENTS QUALIFICATIONS, EDUCATION, TRAINING, OR
16 CLINICAL EXPERIENCE;

17 (25) IS PHYSICALLY OR MENTALLY IMPAIRED TO THE EXTENT THAT IT
18 IMPAIRS THE APPLICANT'S OR LICENSEE'S ABILITY TO PRACTICE CHIROPRACTIC
19 SAFELY; OR

20 (26) VIOLATES ANY PROVISION OF THIS TITLE.

21 3-314.

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

25 (1) Instead of suspending the license; or

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

27 3-315.

28 (G) IF, AFTER A HEARING, A CHIROPRACTOR IS FOUND IN VIOLATION OF §
29 3-313 OF THIS SUBTITLE, THE CHIROPRACTOR SHALL PAY TO THE BOARD THE COSTS
30 FOR COURT REPORTING SERVICES.

31 3-407.

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

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

35 (2) The advertisement in which the trade name appears includes the name
36 of the licensed chiropractor or the name of the business entity providing the chiropractic

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1 services being advertised as long as the advertisement includes the name of a licensed
2 chiropractor;

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

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

7 (5) THE USE OF A TRADE NAME IS PREAPPROVED BY THE BOARD
8 BEFORE USE.

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