

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 104

(The President)(By Request - Department of Legislative Services)

Education, Health, and Environmental Affairs

Health and Government Operations

State Board of Chiropractic and Massage Therapy Examiners - Sunset Extension and Program Evaluation

This bill extends the termination date for the State Board of Chiropractic and Massage Therapy Examiners by 10 years to July 1, 2022, and requires an evaluation of the board by July 1, 2021. The bill includes two related reporting requirements.

The bill takes effect July 1, 2010.

Fiscal Summary

State Effect: Special fund revenues and expenditures for the board are maintained beyond FY 2012. The Governor's proposed FY 2011 budget includes \$906,398 for board operations. The bill's reporting requirement can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: Maryland statute defines the practice of chiropractic as a drugless system of health care based on the principle that interference with the transmission of nerve impulses may cause disease. State law defines the scope of practice as the diagnosing and locating of misaligned or displaced vertebrae and, through the manual manipulation and adjustment of the spine and other skeletal structures,

treating disorders of the human body. Blood tests and urinalysis are also within the scope of practice according to the Attorney General. Chiropractors are able to prescribe dietary and hygiene measures and diagnostic x-rays for their patients. Maryland also allows chiropractors to practice physical therapy after taking extra training in the field and passing a national physiotherapy examination. Most chiropractors opt for this expanded license since it broadens their patient base and the extra training hours required are already included in most chiropractic school curriculums. Maryland expressly prohibits chiropractors from using drugs or surgery or from practicing osteopathy, obstetrics, or any other branch of medicine.

In Maryland, as in all other states, Puerto Rico, and the District of Columbia, a regulatory board oversees the practice of chiropractic. The Maryland State Board of Chiropractic Examiners was created by the General Assembly in 1920. Chapter 678 of 1996 gave the board responsibility for certifying and regulating massage therapists and established a Massage Therapy Advisory Committee. In 2008, this committee was repealed, massage therapists were added to the board membership, and the board was renamed the State Board of Chiropractic and Massage Therapy Examiners to reflect its full oversight authority. The purpose of the board is to license and regulate practitioners to ensure that the public receives safe and healthful chiropractic care and massage therapy.

The board is one of approximately 70 entities currently subject to periodic evaluation under the Maryland Program Evaluation Act. The Act establishes a process better known as “sunset review” as most agencies evaluated are also subject to termination, including the State Board of Chiropractic and Massage Therapy Examiners which is scheduled to terminate July 1, 2012. The sunset review process begins with a preliminary evaluation conducted by the Department of Legislative Services (DLS) on behalf of the Legislative Policy Committee (LPC). LPC decides whether to waive an agency from further (or full) evaluation. If waived, legislation to reauthorize the agency typically is enacted. Otherwise, a full evaluation usually is undertaken the following year.

A preliminary sunset evaluation conducted by DLS in 2009 found that the board appears to have a good working relationship with the professions it regulates and is well regarded among its peers, as evidenced by its receipt of the 2003 Dr. Earl L. Wiley Outstanding Board Award by the Federation of Chiropractic Licensing Boards. Therefore, DLS recommended that the board be waived from full evaluation and that legislation be enacted to extend the board’s termination date by 10 years to July 1, 2022. DLS also found that, while it is likely that the board’s large fund balance in fiscal 2009 was due to increases in fees and variances between projected and actual licensing trends, confusion remains over the impact of licensing trends on the board’s fiscal situation. Thus, DLS recommended that the board submit a report by October 1, 2010, containing a detailed analysis and accounting of the board’s fiscal 2009 financial activities that contributed to the fund balance as well as any measures implemented during fiscal 2010 to decrease the

fund balance and their impact. In addition, DLS recommended that the board submit a second report by October 1, 2011, on its progress in maintaining a more appropriate fund balance, meeting its revised Managing for Results goals for complaint resolution, and implementing formal routine data retrieval and analysis procedures. This bill implements those recommendations, as adopted by LPC at its December 15, 2009 meeting.

Additional Information

Prior Introductions: None.

Cross File: HB 135 (The Speaker)(By Request - Department of Legislative Services) - Health and Government Operations.

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

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