

**Department of Legislative Services**  
Maryland General Assembly  
2018 Session

**FISCAL AND POLICY NOTE**  
**Enrolled - Revised**

Senate Bill 62

(Chair, Education, Health, and Environmental Affairs  
Committee)(By Request - Departmental - Health)

Education, Health, and Environmental Affairs

Health and Government Operations

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**Maryland Chiropractic Act - Revisions**

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This departmental bill makes several revisions to the Maryland Chiropractic Act, including (1) establishing an “extern license” to allow individuals to practice chiropractic under the direct supervision of a licensed chiropractor; (2) implementing the Federal Bureau of Investigation (FBI) “rap back” service for the board; (3) requiring the board to maintain an online licensee roster and repealing the requirement to issue a paper license; and (4) exempting applicants with specified education experience from the requirement to hold a bachelor’s degree.

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**Fiscal Summary**

**State Effect:** Special fund revenues increase by a minimal amount beginning in FY 2019 from licensing fees for the new extern license. Special fund expenditures are not materially affected. The Department of Public Safety and Correctional Services (DPSCS) can provide the required “rap back” service with existing budgeted resources and staff.

**Local Effect:** None.

**Small Business Effect:** The Maryland Department of Health has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services (DLS) concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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## Analysis

### **Bill Summary:**

*Extern License:* The board may grant an extern license to an individual who (1) submits an application; (2) meets education and examination requirements; (3) has begun the process of applying for a full license; (4) pays the license fee; and (5) agrees to practice under the direct supervision of a licensee during the externship. The term of an extern license is the lesser of (1) the duration of the externship or (2) six months from the date the board approves the externship application. An extern license terminates on the earlier of either the date the externship terminates or the person's full license is issued.

*Electronic Licensee Roster:* The bill repeals the requirement to *issue* a license, and instead requires the board to maintain an electronic licensee roster on the board's website where a license can be electronically verified. The bill establishes required information for each electronic license record including a licensee's name, license number, the type and status of the license, and the original and expiration date of the license.

*Reciprocity:* The bill creates an exception to the requirement that an applicant hold a bachelor's degree from an accredited college or university if the applicant graduated from a school of chiropractic before July 1, 1999, and meets the educational requirements in place at the time of graduation.

*Criminal History Records Check:* The bill repeals the authorization that, if an applicant has made three or more unsuccessful attempts at securing legible fingerprints, the board may accept an alternative method of a criminal history records check (CHRC) as permitted by the Director of the Central Repository and the Director of FBI. The bill also establishes that only one set of legible fingerprints is required for a CHRC. Further, the bill establishes that if additional criminal history record information is reported to the Criminal Justice Information System (CJIS) after the initial CHRC, CJIS must provide a revised printed statement of the individual's criminal history record to the board.

### **Current Law/Background:**

*Licensing:* The board notes that health occupations boards are increasingly moving away from a paper licensing process. The board's website currently allows an individual to verify a license by searching for a chiropractor's last name or license number. Additionally, licensees can renew their license electronically. However, a paper copy of the initial application must be submitted, and the board must issue a paper copy of each license. Licensees are also required to conspicuously post their license on display in their place of practice. The board anticipates that the bill's changes will allow the board to

implement a fully electronic licensing process. This move is expected to save time and reduce costs, as well as making the licensing process easier for applicants and licensees.

To qualify for a license, applicants must, among other requirements, hold a bachelor's degree from an accredited college or university and have satisfactorily completed required college courses. The board advises that some out-of-state applicants do not qualify for Maryland licensure despite having practiced in another State in good standing due to the requirement to hold a bachelor's degree. The bill's limited exemption from this requirement provides flexibility and will allow these experienced individuals to obtain Maryland licensure.

*Extern Program and License:* The board notes that although a chiropractic extern program exists in regulation, the license established under the bill is different. The current extern program allows students in chiropractic school to shadow a chiropractor in their office. Students participating in the program cannot provide any treatment or touch the patient.

*Criminal History Records Checks:* All applicants, including for the extern program, must submit to a CHRC. Applicants must submit two complete sets of legible fingerprints to CJIS. The board may accept an alternative method of CHRC if the applicant has made three or more unsuccessful attempts at securing legible fingerprints and the method is approved by the directors of the Central Repository and the FBI. A number of other health occupations boards require CJIS to provide the "rap back" service for their licensees. The fee for the State "rap back" program is included in the State record check fee, which is \$18. There is an additional \$15 fee per applicant for the federal "rap back" service.

**State Revenues:** Board special fund revenues increase by a minimal amount beginning in fiscal 2019 from licensing fees for the new extern license. The board advises that it plans to charge \$50 for the license and anticipates 20 applicants annually. Thus, special fund revenues increase by approximately \$750 in fiscal 2019 (based on the bill's October 1, 2018 effective date) and \$1,000 annually thereafter.

Although the bill repeals language requiring applicants to pay a license fee set by the board, current law still contains broad language authorizing the board to establish reasonable fees for the issuance and renewal of licenses and other services. The board indicates that it intends to maintain all current licensing fees. Thus, DLS advises that this change has no impact on special fund revenues for the board.

**State Expenditures:** The board already maintains an electronic licensee roster so there are no costs to implement that portion of the bill. The board may realize minimal savings in future years to the extent that the bill allows the board to move to a fully electronic licensing system.

## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Health; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - January 16, 2018  
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**ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES**

**Department of Health  
Session 2018**

**TITLE:** State Board of Chiropractic Examiners - Revisions

**PREPARED BY:** Linda Beyer

**(Program\Unit):** State Board of Chiropractic Examiners

**PART A. ECONOMIC IMPACT RATING**

This agency estimates that the proposed bill:

  X   WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESS

OR

       WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESSES

**PART B. ECONOMIC IMPACT ANALYSIS**

No impact on small businesses.