

Article – Health Occupations
Title 3 – Chiropractors

Subtitle 1. Definitions; General Provisions

§3–101. Definitions.

- (a) In this title the following words have the meanings indicated.
- (b) “Board” means the State Board of Chiropractic and Massage Therapy Examiners.
- (c) “Chiropractor” means an individual who practices chiropractic.
- (d) “License” means, unless the context requires otherwise, a license issued by the Board:
 - (1) To practice chiropractic; or
 - (2) To practice chiropractic with the right to practice physical therapy.
- (e) “Licensed chiropractor” means, unless the context requires otherwise, a chiropractor who is licensed by the Board to practice chiropractic or to practice chiropractic with the right to practice physical therapy.
- (f) (1) “Practice chiropractic” means to use a drugless system of health care based on the principle that interference with the transmission of nerve impulses may cause disease.
 - (2) “Practice chiropractic” includes 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.
 - (3) Except as otherwise provided in this title, “practice chiropractic” does not include the use of drugs or surgery, or the practice of osteopathy, obstetrics, or any other branch of medicine.
 - (4) The definition of “practice chiropractic” does not prohibit a chiropractor from selecting diet and hygiene measures for an individual.
- (g) “Practice physical therapy” has the meaning stated in § 13–101 of this article.

§3–102. Scope of title.

This title does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under this article.

Subtitle 2. State Board of Chiropractic & Massage Therapy Examiners

§3–201. Board established.

There is a State Board of Chiropractic & Massage Therapy Examiners in the Department.

§3–202. Membership.

- (a) (1) The Board consists of 11 members.
- (2) Of the 11 members:
 - (i) 6 shall be licensed chiropractors;

(ii) 3 shall be licensed massage therapists; and

(iii) 2 shall be consumer members.

(3) (i) The Governor shall appoint the chiropractor members, with the advice of the Secretary, and with the advice and consent of the Senate, from a list of qualified individuals submitted to the Governor by the Maryland Chiropractic Association.

(ii) The number of names on the list shall be five times the number of vacancies.

(iii) The list shall include the name of the incumbent member unless the incumbent declines renomination.

(4) (i) The Governor shall appoint the massage therapist members, with the advice of the Secretary, and with the advice and consent of the Senate, from a list of qualified individuals submitted to the Governor by the American Massage Therapy Association, Maryland Chapter.

(ii) The number of names on the list shall be five times the number of vacancies.

(iii) The list shall include the name of the incumbent member unless the incumbent declines renomination.

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

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

(1) A resident of this State;

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

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

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

(c) Each massage therapist member of the Board shall be:

(1) A resident of this State;

(2) A licensed massage therapist of integrity and ability who is in active practice;

(3) A graduate of a Board-approved course in massage therapy; and

(4) An individual who has practiced massage therapy in this State for at least 5 consecutive years.

(d) Each consumer member of the Board:

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

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

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

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

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

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

(e) (1) In addition to the requirements of subsections (b) and (c) of this section, each chiropractic and massage therapy member of the Board shall be a licensed chiropractor or licensed massage therapist whose license is in good standing with the Board.

(2) For purposes of this subsection, “good standing” means that the Board has not reprimanded the licensee, suspended or revoked the license of the chiropractor or massage therapist, or placed the licensee on probation within 5 years prior to or after confirmation to the Board.

(f) While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

(g) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the State Constitution.

(h) (1) The term of a member is 4 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on October 1, 2008.

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

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

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

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

(i) (1) The Governor may remove a member for incompetence or misconduct.

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

§3–203. Officers.

(a) From among its members, the Board annually shall elect a president, a vice-president, and a secretary-treasurer.

(b) The Board shall determine:

(1) The manner of election of officers; and

(2) The duties of each officer.

§3–204. Quorum; meetings; compensation; staff.

(a) A majority of the full authorized membership of the Board is a quorum.

(b) The Board shall determine the times and places of its meetings.

- (c) In accordance with the budget of the Board, each member of the Board is entitled to:
- (1) Compensation for each day on which the member is engaged in the duties of the member's office; and
 - (2) Reimbursement for expenses at a rate determined by the Board.
- (d) The Board may employ a staff in accordance with the budget of the Board.

§3-205. Miscellaneous powers and duties.

- (a) In addition to the powers set forth elsewhere in this title, the Board may:
- (1) Adopt rules and regulations to carry out the provisions of this title;
 - (2) Summon witnesses, administer oaths, take affidavits, and take testimony about matters that relate to the duties of the Board; and
 - (3) In accordance with the State budget, authorize payment of fees and travel expenses of witnesses who testify in any proceeding before the Board.
- (b) In addition to the duties set forth elsewhere in this title, the Board shall:
- (1) Adopt an official seal;
 - (2) File reports of its activities as required by the Secretary;
 - (3) Assist in prosecutions under this title; and
 - (4) Investigate an alleged violation of this title.

§3-206. State Board of Chiropractic Examiners Fund – Establishment of fees; disposition of funds.

- (a) There is a State Board of Chiropractic and Massage Therapy Examiners Fund.
- (b) (1) The Board may set reasonable fees for the issuance and renewal of licenses and its other services.
- (2) The fees charged shall be set so as to produce funds to approximate the cost of maintaining the Board.
- (3) Funds to cover the compensation and expenses of the Board members shall be generated by fees set under this section.
- (c) (1) The Board shall pay all funds collected under this title to the Comptroller of the State.
- (2) The Comptroller shall distribute the fees to the State Board of Chiropractic Examiners Fund.
- (d) (1) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.
- (2) The Fund is a continuing, nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.
- (3) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this article.
- (4) No other State money may be used to support the Fund.

- (e) (1) A designee of the Board shall administer the Fund.
- (2) Moneys in the Fund may be expended only for any lawful purpose authorized under the provisions of this article.
- (f) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.

§3-207. Good faith exemption from civil liability.

A person shall have the immunity from liability described under § 5-704 of the Courts and Judicial Proceedings Article for giving information to the Board or otherwise participating in its activities.

Subtitle 3. Licensing.

§3-301. Kinds of licenses; license required; practice of physical therapy permitted; exceptions.

- (a) The Board may issue, as appropriate:
 - (1) A license to practice chiropractic; or
 - (2) A license to practice chiropractic with the right to practice physical therapy.
- (b) Except as otherwise provided in this title, an individual shall be licensed by the Board before the individual may practice chiropractic in this State.
- (c) A chiropractor who holds a license to practice chiropractic with the right to practice physical therapy may practice chiropractic and physical therapy in this State.
- (d) This section does not apply to:
 - (1) A student of chiropractic while under the direct supervision of a licensed chiropractor engaged in an educational program:
 - (i) Sponsored by a college accredited by the Council on Chiropractic Education; and
 - (ii) Approved by the Board; or
 - (2) An individual licensed to practice chiropractic in any other state or a foreign country while that individual makes a clinical demonstration before:
 - (i) A chiropractic association;
 - (ii) A chiropractic convention; or
 - (iii) A chiropractic college.

§3-302. Qualifications of applicants.

- (a) To qualify for a license, an applicant shall be an individual who meets the requirements of this section and the examination requirements of this title.
- (b) The applicant shall be of good moral character.
- (c) Except as otherwise provided in this title, the applicant shall:

(1) (i) Hold a bachelor's degree from a college or university approved by an accrediting agency of the United States Department of Education; and

(ii) Have completed satisfactorily college courses required by the Board; and

(2) (i) Be a graduate of a school of chiropractic that has been approved by the Board under § 3-402 of this title; or

(ii) 1. Be licensed in another state for at least 2 years; and

2. Be a graduate of a school of chiropractic:

A. That has been approved by the Council on Chiropractic Education within 4 years after the applicant graduated from that school; and

B. That the Board determines had standards comparable to an approved school at the time the applicant graduated.

(d) An applicant shall be entitled to a license to practice chiropractic with the right to practice physical therapy if the applicant:

(1) Satisfies the requirements of this section and §§ 3-303 and 3-304(e)(2) of this subtitle;

(2) Was licensed as a chiropractor on or before June 1, 1949; or

(3) Was enrolled at an approved college of chiropractic on June 1, 1949, and later was graduated by that college and licensed.

§3-303. Applications for licenses.

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

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

(i) Educational history;

(ii) Experience in health care;

(iii) Hours and courses taken during chiropractic studies;

(iv) Training or studies in related fields; and

(v) Clinical experience;

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

(3) Proof of any degrees or certification alleged;

(4) Satisfactory evidence of good moral character; and

(5) An application fee set by the Board.

(b) An application shall be signed by the applicant and verified.

(c) The applicant shall pay an application fee set by the Board for any subsequent application and examination.

§3-304. Examinations.

(a) An applicant who otherwise qualifies for a license is entitled to be examined as provided in this section.

(b) The Board shall give examinations to applicants at least twice in each calendar year at the times and places that the Board determines.

(c) The Board shall:

(1) Notify each qualified applicant of the time and place of examination; and

(2) Publish in a newspaper of general circulation the time and place of each examination, at least 30 days before the examination.

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

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

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

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

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

(4) The examination shall include a written practical or oral section on clinical subjects, including:

(i) Chiropractic principles;

(ii) Chiropractic technique and practice;

(iii) Hygiene;

(iv) Neurology;

(v) Orthopedics;

(vi) Physical diagnosis;

(vii) Roentgenology;

(viii) Symptomatology; and

(ix) Physical therapy, as defined in § 13-101 of this article.

(e) (1) Except as otherwise provided in this title, an applicant qualifies for a license to practice chiropractic only if the applicant answers correctly at least:

(i) 60 percent of the questions in each subsection of the examination other than the subsection on physical therapy; and

- (ii) 75 percent of all of the questions on the examination other than those on physical therapy.
- (2) Except as otherwise provided in this title, an applicant qualifies for a license to practice chiropractic with the right to practice physical therapy only if the applicant answers correctly at least:
 - (i) 60 percent of the questions in each subsection of the examination; and
 - (ii) 75 percent of all of the questions on the examination.

§3-305. Waiver of examination requirement.

- (a) Subject to the provisions of this section, the Board may waive any applicable examination requirement of this title for an individual who is licensed to practice chiropractic or to practice chiropractic with the right to practice physical therapy in any other state.
- (b) The Board may grant a waiver under this section only if the applicant:
 - (1) Pays the license fee required by § 3-306 of this subtitle; and
 - (2) Provides adequate evidence that the applicant:
 - (i) Meets the qualifications otherwise required by this title or their equivalent; and
 - (ii) Became licensed in the other state after passing in that or any other state an examination that is similar to the examination for which the applicant is seeking the waiver.

§3-306. Issuance and contents of license.

- (a) The Board shall issue a license to any applicant who:
 - (1) Pays a license fee set by the Board; and
 - (2) Otherwise meets the requirements of this title.
- (b) The Board shall include on each license that it issues:
 - (1) Its seal; and
 - (2) Designations that clearly distinguish between those licensees who may practice chiropractic and those who may practice chiropractic with the right to practice physical therapy.

§3-307. Scope of license.

- (a) Except as otherwise provided in this section, a license authorizes the licensee to practice chiropractic while the license is effective.
- (b) A license that includes the right to practice physical therapy authorizes the licensee to practice chiropractic and physical therapy while the license is effective.
- (c) A license does not authorize a licensee to execute or file a birth or death certificate.

§3-308. Term and renewal of licenses.

- (a) A license expires on the date set by the Board, unless the license is renewed for an additional term as provided in this section. A license may not be renewed for a term of longer than 2 years.

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

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

(c) A licensee periodically may renew a license for an additional term if the licensee:

- (1) Otherwise is entitled to be licensed;
- (2) Pays a renewal fee set by the Board; and
- (3) Submits to the Board:

(i) A renewal application on the form that the Board requires; and

(ii) Satisfactory evidence of compliance with the continuing education requirements set by the Board under this section for license renewal.

(d) (1) The Board may establish continuing education requirements as a condition to the renewal of licenses under this section.

(2) Any requirements established under this subsection shall reflect current educational methods and chiropractic techniques.

(e) The Board shall renew the license of and issue a renewal certificate to each licensee who meets the requirements of this section.

§3-309. Requirements for reinstatement of expired license.

The Board shall reinstate a license that is expired only if the former licensee:

- (1) Meets the renewal requirements of § 3-308; and
- (2) Pays to the Board a reinstatement fee set by the Board.

§3-310. Failure to renew license; limitations.

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

- (1) Applies to the Board for reinstatement of the license within 5 years after the license expires;
- (2) Meets the renewal requirements of § 3-308 of this subtitle;
- (3) Pays to the Board the reinstatement fee set by the Board; and
- (4) Passes the law and regulations portion of the Board's examination.

(b) The Board may not reinstate the license of a chiropractor who fails to apply for reinstatement of the license within 5 years after the license expires. However, the chiropractor may become licensed by meeting the current requirements for obtaining a new license under this title.

§3-311. Inactive status.

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

- (1) An application for inactive status on the form required by the Board; and
- (2) The inactive status fee set by the Board.

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

- (1) Complies with the continuing education requirements in effect for the renewal period in which the licensee seeks to reactivate the license; and
- (2) Pays the reinstatement fee set by the Board.

§3-312. Surrender of license.

(a) Unless the Board agrees to accept the surrender of a license, a licensed chiropractor may not surrender the license nor may the license lapse by operation of law while the licensee is under investigation or while charges are pending against the chiropractor.

(b) The Board may set conditions on its agreement with the chiropractor under investigation or against whom charges are pending to accept surrender of the chiropractor's license.

§3-313. Denials, reprimands, suspensions, and revocations.

Subject to the hearing provisions of § 3-315 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, with or without conditions, or suspend or revoke a license, or any combination thereof, if the applicant or licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (2) Fraudulently or deceptively uses a license;
- (3) Practices chiropractic under a false name;
- (4) Impersonates another practitioner;
- (5) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (6) Provides professional services while:
 - (i) Under the influence of alcohol; or
 - (ii) Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;
- (7) Solicits or advertises in a false or misleading manner or in any other manner not approved by the Board;

- (8) Is unethical in the conduct of the practice of chiropractic;
- (9) Is professionally incompetent;
- (10) Abandons a patient;
- (11) Misrepresents the effectiveness of any treatment, drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;
- (12) Makes or files a false report or record in the practice of chiropractic;
- (13) Fails to file or record any report as required by law;
- (14) Impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
- (15) Pays or agrees to pay any sum to any person for bringing or referring a patient;
- (16) Overutilizes health care services;
- (17) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted by a court of any state or country for an act that would be grounds for disciplinary action under this section;
- (18) Practices chiropractic with an unauthorized person or supervises or aids an unauthorized person in the practice of chiropractic;
- (19) Violates any rule or regulation adopted by the Board;
- (20) Behaves immorally in the practice of chiropractic;
- (21) Commits an act of unprofessional conduct in the practice of chiropractic;
- (22) Grossly overutilizes health care services;
- (23) Is convicted of insurance fraud under § 27-801 of the Insurance Article;
- (24) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;
- (25) Submits false statements to collect fees for which services were not provided;
- (26) Misrepresents qualifications, education, training, or clinical experience;
- (27) Is physically or mentally impaired to the extent that it impairs the applicant's or licensee's ability to practice chiropractic safely; or
- (28) Violates any provision of this title.

§3-314. Penalty instead of suspension or in addition to suspension or revocation.

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

- (1) Instead of suspending the license; or

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

(b) If, after disciplinary procedures have been brought against a licensee, the licensee waives the right to a hearing required under this subtitle and if the Board finds that there are grounds under § 3-313 of this subtitle to reprimand the licensee, place the licensee on probation, or suspend or revoke a license, the Board may impose a penalty not exceeding \$5,000 for each violation in addition to reprimanding, placing the licensee on probation or suspending or revoking the license.

(c) The Board shall adopt rules and regulations to set standards for the imposition of penalties under this section.

(d) The Board shall pay any penalty collected under this section into the General Fund of this State.

§3-315. Hearings.

(a) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 3-313 of this subtitle or § 3-5A-11 of this title, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

(b) The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

(c) The individual may be represented at the hearing by counsel.

(d) Over the signature of an officer or the administrator of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this title and any hearings or proceedings before it.

(e) If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath or to testify or answer a question, then, on petition of the Board, a court of competent jurisdiction shall compel compliance with the subpoena and may punish the person as for contempt of court.

(f) If after due notice the individual against whom the action is contemplated fails or refuses to appear, nevertheless the Board may hear and determine the matter.

(g) If, after a hearing, a chiropractor or massage therapist is found in violation of § 3-313 of this subtitle or § 3-5A-11 of this title, the chiropractor or massage therapist shall pay to the Board the costs for court reporting services.

§3-316. Administrative and judicial review.

(a) Except as provided in this section for an action under § 3-313 of this subtitle or § 3-5A-11 of this title, any person aggrieved by a final decision of the Board in a contested case, as defined in the Administrative Procedure Act, may:

(1) Appeal that decision to the Board of Review; and

(2) Then take any further appeal allowed by the Administrative Procedure Act.

(b) (1) Any person aggrieved by a final decision of the Board under § 3-313 of this subtitle or § 3-5A-11 of this title may not appeal to the Secretary or Board of Review but may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

§3-316.1. Injunctive actions.

- (a) An action may be maintained in the name of this State or the Board to enjoin:
 - (1) The unauthorized practice of chiropractic or massage therapy; or
 - (2) Conduct that is a ground for disciplinary action under § 3-313 of this subtitle or § 3-5A-11 of this title.
- (b) An action under this section may be brought by:
 - (1) The Board, in its own name;
 - (2) The Attorney General, in the name of this State; or
 - (3) A State's Attorney, in the name of this State.
- (c) An action under this section shall be brought in the county where the defendant:
 - (1) Resides; or
 - (2) Engages in the acts sought to be enjoined.
- (d) (1) Except as provided in paragraph (2) of this subsection, an action under this section may not be brought against an individual who is authorized to practice a health occupation under this article.
 - (2) An action under this section may be brought against an individual who is authorized to practice chiropractic or massage therapy under this title.
- (e) Proof of actual damage or that any person will sustain any damage if an injunction is not granted is not required for an action under this section.
- (f) An action under this section is in addition to and not instead of criminal prosecution for:
 - (1) The unauthorized practice of chiropractic under § 3-501 of this title or disciplinary action under § 3-313 of this subtitle; or
 - (2) The unauthorized practice of massage therapy under § 3-501 of this title or disciplinary action under § 3-5A-11 of this title.

Subtitle 4. Miscellaneous

§3-401. Advertising and solicitation.

- (a) The Board shall adopt rules and regulations to establish standards for advertising or soliciting by chiropractors.
- (b) For purposes of this section, notices mailed to patients to inform them of times for periodic examinations are not advertising or soliciting.

§3-402. Board approval of schools of chiropractic.

- (a) The Board shall approve those schools of chiropractic that provide a curriculum, teaching standards, and facilities that the Board determines are adequate to prepare a license applicant to practice chiropractic under this title.
- (b) To be approved under this section, a school shall offer a program that:

- (1) Is 4 academic years that total at least 4,000 60-minute hours of resident study; and
- (2) Leads to a degree of Doctor of Chiropractic.
- (c) The Board may inspect any school of chiropractic to determine whether it meets the standards required by this section.
- (d) The Board may approve a school in another state on the recommendation of:
 - (1) The chiropractic licensing authority of that state; or
 - (2) The Council on Chiropractic Education.

§3-403. Representations by certain licenses.

The provisions of § 13-402 of this article do not prohibit a chiropractor who is licensed to practice chiropractic with the right to practice physical therapy from representing that the licensee holds that license.

§3-404. Delegation of duties to assistant; qualifications for assistant.

A licensed chiropractor may delegate duties to an assistant to the extent permitted by the rules and regulations of the Board if the assigned duties do not require the professional skill and judgment of a licensed chiropractor. The rules and regulations shall also establish qualifications for the position of chiropractic assistant.

§3-405. Civil liability.

A licensed chiropractor shall have the immunity from liability described under § 5-636 of the Courts and Judicial Proceedings Article for reviewing the fees or charges for services of another licensed chiropractor in this or any other state.

§3-406. Chiropractor rehabilitation committees.

- (a) In this section, “chiropractor rehabilitation committee” means a committee that:
 - (1) Is defined in subsection (b) of this section; and
 - (2) Performs any of the functions listed in subsection (d) of this section.
- (b) For purposes of this section, a chiropractor rehabilitation committee is a committee of the Board or a committee of the Maryland Chiropractic Association that:
 - (1) Is recognized by the Board; and
 - (2) Includes but is not limited to chiropractors.
- (c) A rehabilitation committee of the Board or recognized by the Board may function:
 - (1) Solely for the Board; or
 - (2) Jointly with a rehabilitation committee representing another board or boards.
- (d) For purposes of this section, a chiropractor rehabilitation committee evaluates and provides assistance to any chiropractor, chiropractic assistant, and any other individual regulated by the Board in need of

treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

(e) (1) Except as otherwise provided in this subsection, the proceedings, records, and files of the chiropractor rehabilitation committee are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being or have been reviewed and evaluated by the chiropractor rehabilitation committee.

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered by the chiropractor rehabilitation committee and that otherwise would be subject to discovery or introduction into evidence in any arbitration or civil proceeding.

(3) For purposes of this subsection, civil action does not include a proceeding before the Board or judicial review of a proceeding before the Board.

(f) A person who acts in good faith and within the scope of jurisdiction of a chiropractor rehabilitation committee is not civilly liable for any action as a member of the chiropractor rehabilitation committee or for giving information to, participating in, or contributing to the function of the chiropractor rehabilitation committee.

§3-407. Trade names.

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

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

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

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

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

(5) The use of a trade name is preapproved by the Board before use.

Subtitle 5. Prohibited Acts; Penalties.

§3-501. Practicing without a license.

(a) Except as otherwise provided in § 3-404 of this title, a person may not practice, attempt to practice, or offer to practice chiropractic in this State unless licensed by the Board.

(b) Except as otherwise provided in this title, an individual may not practice, attempt to practice, or offer to practice massage therapy, massage, myotherapy, or any synonym or derivation of these terms in this State unless licensed or registered by the Board.

§3-502. Misrepresentation.

(a) (1) Unless authorized to practice chiropractic under this title, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice chiropractic in this State.

(2) Unless authorized to practice under this title, a person may not use the title “chiropractor”, or “D.C.”, or any other term or title with the intent to represent that the person practices chiropractic.

(b) (1) An individual who is not a licensed massage therapist or registered as a massage practitioner under this title may not advertise or claim by title, abbreviation, sign, card, or any other representation that the individual practices massage, massage therapy, myotherapy, or any synonym or derivation of these terms.

(2) Unless authorized to practice under this title, a person may not use the title “massage therapist”, “MT”, “licensed massage therapist”, “LMT”, “massage practitioner”, “MP”, “registered massage practitioner”, “RMP”, or any other term or title with the intent to represent that the person practices massage therapy.

(c) An individual who is a registered massage practitioner under this title or a business entity that employs registered massage practitioners under this title may not advertise to the public that the individual or business entity provides health-related therapeutic massage services.

(d) (1) In Charles County and Washington County, an individual may not perform a massage or offer to perform a massage on another person for compensation unless the individual who performs the massage or offers to perform a massage is a licensed massage therapist or registered massage practitioner.

(2) A law enforcement officer in Charles County or Washington County may demand proof of licensure or registration.

§3-503. Prohibited transfer of diploma or license.

A person may not buy, sell, or fraudulently obtain:

(1) A license; or

(2) Any diploma or degree required under § 3-302 or § 3-5A-06 of this title.

3-504.

Reserved

§3-506. Penalties; court costs.

(a) A person who practices or attempts to practice chiropractic or massage therapy without a license in violation of § 3-501 of this subtitle or represents to the public in violation of § 3-502 of this subtitle that the person is authorized to practice chiropractic or massage therapy is guilty of a misdemeanor and on conviction is subject to:

(1) For a first offense, a fine not exceeding \$2,000 or imprisonment not exceeding 6 months; or

(2) For a subsequent offense, a fine not exceeding \$6,000 or imprisonment not exceeding 1 year.

(b) A person who is convicted under the provisions of this section shall reimburse the Board for the direct costs of the Board, including court reporting services and expert witness fees, incurred as a result of a prosecution under this section.

§3-601. Short title.

This title may be cited as the “Maryland Chiropractic Act”.

§3-602. Termination of title.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, 2012.