

Title 10 MARYLAND DEPARTMENT OF HEALTH
Subtitle 43 BOARD OF CHIROPRACTIC EXAMINERS
Chapter 07 Chiropractic Assistants

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Authority: Health Occupations Article, §§3-205, 3-302.1, and 3-404, Annotated Code of Maryland

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Applicant” means a person who is:

(a) Undergoing training to become a chiropractic assistant; or

(b) Applying to the Board for registration as a chiropractic assistant.

(2) “Board” means the Maryland Board of Chiropractic Examiners.

(3) “Chiropractic assistant” means an individual who is registered by the Board to perform the duties authorized under this chapter.

(4) “Chiropractic assistant program” means a structured 1-year program of clinical chiropractic training under a Board-licensed supervising chiropractor in order to qualify and apply for a registration as a Maryland registered chiropractic assistant.

(5) “Direct supervision” means supervision provided by a supervising chiropractor who is personally present and immediately available in the area where the procedures are performed to give aid, direction, and instruction when certain procedures or activities are performed by a chiropractic applicant or assistant.

(6) “Established patient” means an individual who has received professional services from a practicing supervising chiropractor who belongs to the same group practice in the past 3 years.

(7) “Inactive status” means the period of time that a registration is on hold.

(8) “Indirect supervision” means supervision by a supervising chiropractor that is provided by a phone call or text to give aid, direction, and instructions when certain activities, as set forth under Regulation .10 of this chapter, are performed by a chiropractic assistant.

(9) "Practice day" means the hours of physical practice with a patient, excluding the office's designated lunch or exclusive administrative time.

(10) "Supervising chiropractor" means a chiropractor licensed by the Board in chiropractic with the right to practice physical therapy as set forth in Health Occupations Article, §3-301(c), Annotated Code of Maryland, and approved as a supervising chiropractor by the Board.

.02 Chiropractic Applicant or Assistant Qualifications and Training.

A. At the time of application on the Request to Employ form for training, an applicant shall:

(1) Be 18 years old or older;

(2) Be of good moral character;

(3) Be a U.S. Citizen or hold federal documentation authorizing employment;

(4) Be proficient in the English language sufficiently to allow for clear interaction with patients;

(5) Be enrolled in a Board-approved Cardiopulmonary Resuscitation (CPR) class within 4 months of the commencement of the chiropractic assistant training or be currently CPR certified;

(6) Be a graduate of a high school or hold a GED; and

(7) Have any foreign transcripts professionally interpreted and certified

B. An applicant who otherwise qualifies for being employed within the 1-year chiropractic assistant training program shall:

(1) Complete the profile portion of the application;

(2) Provide the supervising chiropractor with:

(a) The requested documentation;

(b) A diploma or transcripts;

(c) A valid State picture identification; and

(d) An authorization to work in the U.S. for the application documentation, if applicable; and

(3) Submit satisfactory evidence of having completed a State and national criminal history records check in accordance with Health Occupations Article, §3-302.1, Annotated Code of Maryland.

C. The supervising chiropractor shall complete and submit to the Board a legible application and documentation proving that the applicant meets the qualifications listed in §A of this regulation.

D. An applicant may not commence work or training until the supervising chiropractor receives an authorization letter from the Board.

E. Within 120 days of the date of hire, the applicant shall:

- (1) Satisfactorily complete the required CPR class;
- (2) Enroll in a Board-approved chiropractic assistant 103-hour course of instruction; and
- (3) Submit proof of completion of both requirements in a timely manner on the form provided by the Board.

F. Within 1 calendar year of the date of hire, the applicant shall satisfactorily complete:

- (1) A minimum of 520 in-service training hours, of which:
 - (a) The initial 20 hours shall consist of observation procedures as listed in Regulation .09 of this chapter and performed by the supervising chiropractor or registered chiropractic assistant; and
 - (b) The remaining 500 hours shall consist of direct supervision by a supervising chiropractor in the treatment area; and
- (2) A 103 hour course of instruction from a Board-approved provider with a minimum of:
 - (a) 24 hours in anatomy and terminology;
 - (b) 3 hours in jurisprudence and risk management; and
 - (c) 76 hours in physical therapy modalities and indications.

G. No waivers, extensions, or exceptions shall be granted except by majority vote of the Board.

H. Failure to meet the requirements of §§E and F of this regulation shall result in immediate suspension from the applicant training program.

.03 Chiropractic Assistant Examinations and Application for Registration.

A. An applicant who otherwise qualifies for registration is entitled to be examined as provided in this regulation.

B. The applicant shall pass a Board proficiency and jurisprudence examination.

C. The applicant shall:

- (1) Pay to the Board as set forth in COMAR 10.43.06:
 - (a) A nonrefundable application fee; and

(b) An examination fee;

(2) Submit all fees, transcripts, and application documentation postmarked no later than 30 days before the examination date; and

(3) Submit satisfactory evidence of having completed a State and national criminal history records check in accordance with Health Occupations Article, §3-302.1, Annotated Code of Maryland.

D. The Board shall:

(1) Give examinations to applicants at least twice a year, at the times and places that the Board determines;

(2) Notify each qualified applicant of the time and place of examinations; and

(3) Determine the subject scope, form, and passing score for examination.

E. Reexaminations.

(1) If the applicant fails the examination twice, the applicant may retake the examination only if the applicant:

(a) Pays the reexamination fee; and

(b) Completes additional minimum 10 hour refresher classroom training courses as approved by the Board in areas of deficiency.

(2) An applicant who fails the examination twice may not perform in-service training duties in direct patient care or treatment under Regulation .03 of this chapter.

F. The Board may not issue a registration if the criminal history records information required under §C(3) of this regulation has not been received.

.04 Requirements for Achieving Supervising Chiropractor Status.

A. Only a supervising chiropractor may work with or train a chiropractic assistant or applicant.

B. Only an active, licensed chiropractor who holds physical therapy privileges and has no outstanding disciplinary orders may qualify for supervising chiropractor status.

C. An applicant for supervising chiropractor status shall:

(1) Submit to the Board the required application and fee;

(2) Successfully pass the Board supervising chiropractor examination and interview; and

(3) Satisfactorily follow Board regulations and statutes.

D. The Board may deny, suspend, or revoke supervising chiropractor status for violation of the Board's statutes and regulations by the supervising chiropractor.

.05 Responsibilities of the Supervising Chiropractor.

The supervising chiropractor shall:

A. Submit:

(1) The required Board Request to Employ form before undertaking any hands on training or coursework with any chiropractic assistant applicant; and

(2) All other Board-required reports and forms in a timely manner as determined by the Board.

B. Notify the Board and course instructor or instructors of any change in status of any chiropractic applicant or assistant within 10 days of the change, including:

(1) Reasons for the change in status;

(2) Training received by the applicant or assistant;

(3) Hours completed by the applicant or assistant; and

(4) The applicant's or assistant's forwarding address;

C. Maintain accurate, legible, and comprehensive records of all clinical training provided to the chiropractic applicant or assistant, including, but not limited to:

(1) Dates and times and duration of training as described in Regulation .02 of this chapter;

(2) Modalities;

(3) Equipment used; and

(4) Any other information as directed by the Board;

D. Follow indirect supervision procedures set forth under Regulation .10 of this chapter;

E. Immediately produce the records described in §C of this regulation and Regulation .10D(1) of this chapter upon request or audit by the Board;

F. Promptly:

(1) Report a chiropractic applicant or assistant not making satisfactory training progress; and

(2) Report before the Board as directed regarding the details of the training program issue;

G. Maintain competency in knowledge of applicable laws and regulations and successfully complete any jurisprudence requirements that may be directed by the Board;

H. Ensure that all patient records accurately and legibly reflect the extent and degree of the involvement or assistance of the chiropractic applicant or assistant;

I. Submit the in-service training hours and verification of chiropractic applicant or assistant competency on a form provided by the Board within 30 days of completion of training or transfer of the chiropractic applicant or assistant to another supervising chiropractor;

J. Be fully responsible for the safe and competent performance of the chiropractic applicant or assistant at all times; and

K. Provide direct supervision to not more than five chiropractic assistants or applicants.

.06 Supervising Chiropractor Prohibited Acts.

A. The supervising chiropractor may not:

(1) Delegate responsibilities in any manner to anyone not holding supervising chiropractor status;

(2) Leave the treatment area:

(a) When treating a patient;

(b) When a chiropractic applicant is treating a patient; or

(c) During a chiropractic applicant's 20-hour observation period;

(3) Permit a chiropractic applicant to treat a patient without the presence of the supervising chiropractor in the treatment area; or

(4) Be unavailable by phone call or text when a chiropractic assistant is treating an established patient with an established treatment program as set forth under Regulation .10B of this chapter.

B. The license of a licensee who violates this regulation shall be subject to the penalties set forth in COMAR 10.43.10.

.07 Activities That May Be Performed by Chiropractic Applicants and Assistants Without Direct Supervision.

A chiropractic applicant or assistant may perform the following activities without the direct supervision of a supervising chiropractor:

A. Taking the height, the weight, and vital signs of a patient and recording them in the patient record;

B. Assisting in the dressing, undressing, and draping of a patient;

- C. Removing and applying assistive and supportive devices;
- D. Observing treatments and modalities as authorized by the supervising chiropractor;
- E. Providing preprinted non-patient specific health and chiropractic concepts and information that has been approved and reviewed by the supervising chiropractor; and
- F. Taking patient histories.

.08 Activities That May Be Performed by Chiropractic Applicants and Assistants Under Direct Supervision of a Supervising Chiropractor.

A chiropractic applicant or assistant may perform the following activities under the direct supervision of a supervising chiropractor who is in the treatment area:

- A. Functional activities of daily living and hygiene;
- B. Gait practice and ambulation;
- C. Demonstration, administration, and observation of therapeutic exercises as prescribed by a supervising chiropractor;
- D. Assist in moving a patient within the treatment area;
- E. Contrast baths;
- F. Hot and cold packs;
- G. Hubbard tank;
- H. Infrared, ultraviolet irradiation, non-laser light therapy, and non-ablative therapeutic laser;
- I. Muscle stimulation;
- J. Electrotherapy;
- K. Paraffin baths;
- L. Traction therapy;
- M. Ultrasound;
- N. Whirlpool;
- O. Diathermy;
- P. Therapeutic massage, if licensed under Health Occupations Article, Title 6, Annotated Code of Maryland; and

Q. Mechanical or computerized examination procedures for the sole purpose of collecting data subject to the following conditions:

(1) All data will later be used and interpreted by the chiropractor to form a diagnosis and treatment plan; and

(2) No test may be performed that requires diagnosis or interpretation as part of the data collecting or testing procedure.

.09 Chiropractic Applicant or Assistant Prohibited Acts.

A chiropractic applicant or assistant may not engage in any of the following activities:

A. Communicate an evaluation or diagnosis to a patient;

B. Perform an act requiring the professional skill or judgment of a licensed chiropractor;

C. Perform orthopedic or neurological tests;

D. Engage in dietary or nutritional advice or counseling; or

E. Other acts not within the chiropractic applicant or assistant's specified scope.

.10 Indirect Supervision.

A. Indirect supervision may only be provided by a supervising chiropractor to a registered chiropractic assistant who is treating an established patient.

B. A chiropractic assistant may perform the following activities under the indirect supervision of a supervising chiropractor to an established patient with an established treatment program for not more than 10 percent of the treatment time in a given 30 days, without exceeding 3 consecutive days in a given week:

(1) Functional activities of daily living and hygiene;

(2) Gait practice, ambulation, administration, and observation of therapeutic exercises as prescribed by a supervising chiropractor;

(3) Assist in moving a patient within the treatment area;

(4) Contrast baths;

(5) Hot and cold packs;

(6) Hubbard tank;

(7) Infrared, ultraviolet irradiation, nonlaser light therapy, and nonablative therapeutic laser;

(8) Muscle stimulation;

(9) Electrotherapy;

(10) Paraffin baths;

(11) Traction therapy;

(12) Ultrasound;

(13) Whirlpool;

(14) Diathermy;

(15) Therapeutic massage, if licensed under Health Occupations Article, Title 6, Annotated Code of Maryland; and

(16) Mechanical or computerized examination procedures for the sole purpose of collecting data subject to the following conditions:

(a) All data will later be used and interpreted by the chiropractor to form a diagnosis and treatment plan; and

(b) No test may be performed that requires diagnosis or interpretation as part of the data collecting or testing procedure.

C. A chiropractic assistant who participates in indirect supervision shall be:

(1) In good standing with the Board; and

(2) Trained and proficient in the office's indirect supervision protocol, which includes:

(a) Informed consent to the patient; and

(b) Immediate access to the supervising chiropractor.

D. The supervising chiropractor shall:

(1) Prior to the implementation of indirect supervision, establish and make readily available an:

(a) Emergency procedures protocol; and

(b) Indirect supervision protocol;

(2) Maintain a log of indirect supervision treatment, which includes:

(a) Patient's name or identification information; and

(b) Treatment:

(i) Date;

(ii) Time initiated;

(iii) Duration; and

(iv) Procedure or activity provided; and

(3) Review or update, or both, indirect supervision orders every 30 days.

E. An indirect supervision protocol shall be listed on the office's:

(1) Consent to treatment form signed by the patient; or

(2) Informed consent protocol.

.11 Chiropractic Assistant — Radiology.

A. A chiropractic assistant may perform the duties of a chiropractic radiologic technologist only as directed by a supervising chiropractor.

B. A chiropractic assistant may not:

(1) Provide oral or written diagnosis; or

(2) Work independently.

C. A chiropractic assistant may perform x-rays only after the completion of:

(1) 60 hours of didactic training in a Board-approved course of instruction that includes:

(a) Radiation physics;

(b) Radiation biology;

(c) Radiation protection;

(d) Imaging principles in radiation exposure;

(e) Patient preparation and positioning;

(f) Human anatomy and physiology; and

(g) Emergency procedures; and

(2) 30 x-ray studies under the direct supervision of a supervising chiropractor that include:

(a) 10 cervical series which include the following views:

- (i) Anterior to posterior;
- (ii) Lateral;
- (iii) Anterior to posterior open mouth;
- (iv) Flexion;
- (v) Extension; and
- (vi) Oblique;

(b) 10 thoracic series which include the following views:

- (i) Anterior to posterior;
- (ii) Lateral;
- (iii) Flexion; and
- (iv) Extension; and

(c) 10 lumbar series which include the following views:

- (i) Anterior to posterior;
- (ii) Lateral;
- (iii) Flexion; and
- (iv) Extension.

.12 Term and Renewal of Registration.

A. A registration expires every 2 years, unless the registration is renewed for a 2-year term.

B. Before a registration expires, the registrant periodically may renew it for another term if the registrant:

- (1) Otherwise is entitled to be registered;
- (2) Pays a renewal fee as set forth in COMAR 10.43.06;
- (3) Submits to the Board a renewal application on the form that the Board requires; and

(4) Submits to the Board verification of at least 10 hours of continuing education in courses approved by the Board.

.13 Inactive Status.

A. The Board shall place a registration holder on inactive status if the registration holder submits to the Board the:

- (1) Completed application for inactive status on the form provided by the Board; and
- (2) Biennial fee for inactive status as specified in COMAR 10.43.06.

B. The registration holder on inactive status:

- (1) Is not entitled to practice chiropractic until the registration is reactivated; and
- (2) May reactivate the registration at any time if the:
 - (a) Application for reactivation is completed; and
 - (b) Reactivation fee is paid as set forth in COMAR 10.43.06.

.14 Nonrenewed Status.

A. The Board shall place a registration holder in a nonrenewed status if the registration holder fails to complete an application for:

- (1) Registration renewal during the biennial cycle; or
- (2) Inactive status during the renewal cycle.

B. The registration holder may reinstate a nonrenewed status for registration within 5 years of the expiration date of the last active registration.

C. If the expired registration holder is on nonrenewed status for more than 5 years, the holder shall:

- (1) Reapply; and
- (2) Meet all of the requirements set forth in this chapter.

.15 Practicing Without Registration.

A. Except as otherwise provided in this chapter, a person may not practice, attempt to practice, or offer to practice as a chiropractic assistant in this State unless registered by the Board.

B. A person may not serve as a chiropractic applicant or assistant unless approved by the Board.

.16 Penalties for Violations of This Chapter.

A. Violations of these regulations may result in disciplinary action against the supervising chiropractor as set forth in Health Occupations Article, §3-313, Annotated Code of Maryland.

B. A person practicing as a chiropractic assistant without being registered, except as provided in these regulations, is guilty of a misdemeanor, and may be fined \$5,000 or imprisoned for 1 year, or both.

C. A chiropractic assistant and an applicant for registration is subject to the Board's disciplinary authority under Health Occupations Article, §3-313, Annotated Code of Maryland.

.17 Display of Registration.

A chiropractic assistant shall display the registration and any current renewal registration conspicuously in the space where the license holder is engaged in practice, including in any temporary space, or in any exhibit location.

.18 Notification of Change of Address.

A registered chiropractic assistant shall notify the Board of any change in the name or address of the chiropractic assistant, in writing, within 60 days after the change occurs.

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