

**MARYLAND STATE BOARD
OF
MASSAGE THERAPY EXAMINERS
FISCAL YEAR 2021 REPORT**

SEPTEMBER 22, 2021



Introduction

The Maryland State Board of Massage Therapy Examiners (the "Board") is the agency charged with the regulatory oversight of the practice of massage therapy in the State. The Board issues licenses to massage therapist (LMTs) and registrations to massage practitioners (RMPs). In Fiscal Year (FY) 2021, the Board regulated approximately four thousand, one hundred-twenty (4,120) massage professionals.

In addition to issuing licenses and registrations, the Board investigates complaints, disciplines licensed massage therapists (LMTs) and registered massage practitioners (RMPs) who violate the Maryland Massage Therapy Practice Act ("Act"), and refers individuals for evaluation, treatment, and rehabilitation, when appropriate.

Statutorily, the Board of Massage Therapy Examiners and the Board of Chiropractic Examiners share the same staff. In so doing, the Board is able to reduce operating costs.

Mission

The primary mission of the Board is to protect the healthcare public. This is accomplished by ensuring that LMTs and RMPs are properly licensed, trained, and educated. In addition, it is the duty of the Board to ensure that licensees and registrants comply with laws and regulations pertaining to their respective scope of practice.

Board Operations

The Board's operations are separated into three distinct units:

1. **Licensing Unit** - processes applications for initial licensure/registration, reinstatements, reactivations and renewals.
2. **Compliance Unit** - is responsible for the Board's disciplinary process and investigates complaints for possible violations of the Act.
3. **Administrative Unit** - is responsible for the fiscal operations of the Board, processing all incoming mail, revenue deposits, incoming telephone inquiries, publication of the Board Meeting agendas and minutes on the Board's website, and other administrative functions.

Staff Development and Training

Board staff is strongly supported in their efforts to improve their skills and knowledge base, through training and educational opportunities. In FY 2021, despite the impact of the pandemic, various staff members completed training in: Introduction to Regulatory Governance-Foundations of Occupational and Professional Regulation, Roles and Responsibilities of a Board Member, Administrative Rulemaking, Professional Discipline, Assessing Competence; Preventing Panic During a Pandemic; COVID-19 What You Need to Know; Stress Management; Embracing the 3 E's of Employee Empowerment; Leading Teams Virtually Amid Crisis and Change; Customer Service; Sexual Harassment Prevention; and CLEAR Virtual Symposium 2021 - Regulating in the New Reality.



Fiscal Position

Revenue generated from licensure and registration fees support the operating costs of the Board. The fund



balance at the start of FY 2021 was \$201,878.65, a carryover from FY 2020. Revenue collected in FY 2021 was approximately \$990,231.00. This includes \$851,750.00 in renewal fees collected from LMTs & RMPs.

Appropriations (budgeted expenses) for FY 2021 were \$562,553.00. Expenditures through June 30, 2021 totaled \$ 504,528.00.

The impact of COVID-19 and its variants on future revenue is yet to be determined. Consequently, expenditure on non-essential equipment and supplies during FY 2022 is deferred.

LICENSING UNIT REPORT

The goal of the Licensing Unit (the “Unit”) is to offer exceptional customer service to the state’s licensees, registrants and citizens. The Unit processes initial license/registrations, renewal, restatement and reactivation applications, and responds to inquiries from potential licensees and registrants who are considering practicing in Maryland. Staff is shared by the Massage Therapy Board and the Chiropractic Board to assist licensed massage therapists and registered massage practitioners, chiropractors, and chiropractic assistants.

Licensing Statistical Information

In FY 2021, one hundred, ninety-six (196) applications were processed by the licensing unit. One hundred, eighty-eight (188) new licenses and registrations were issued to qualified applicants. Thirty (30) individuals reactivated their license/registration and twenty-nine (29) chose to reinstate their license/registration. The total number of licenses and registrations issued during the fiscal year is reflective of the negative impact of COVID-19. Restricted class sizes and the availability of in-person training reduced the number of individuals eligible to take and pass the required Board jurisprudence examination. Additionally, no Board examinations were offered until August 2020 because due to the State of Emergency declared by the Governor in March 2020. When the Board examinations resumed in late August 2020, there was a significant backlog of applicants. Only twenty-seven (27) candidates were allowed at each examination to ensure the candidates and staff were able to safely social distance.

License and Registration Statistics as of June 30, 2021

Licensee Category	Status	Numbers
Licensed Massage Therapist	Active	2,204
Licensed Massage Therapist	Inactive	258
Registered Massage Practitioners	Active	1,445
Registered Massage Practitioners	Inactive	92

The Licensing Unit Team

The team is comprised of the Licensing Unit Manager, the Massage Licensing Specialist, and the Chiropractic Licensing Specialist. The Unit experienced a significant turnover between November 2019 and July 2020. The Massage Licensing Specialist retired at the end of November 2019. Hiring of a replacement was delayed until August 2020 due to the Governor’s order to freeze hiring of new state employees during the pandemic. The Licensing Unit Manager temporarily assumed the responsibility for this function until the Manager’s departure in July 2020. A replacement was hired in January 2021.

The Licensing Unit Manager oversees the day to day operations of the licensing team; develops activity and schedule for both critical licensure/registration and renewal phases in conjunction with maintaining the highest level of customer service; oversees reviews, verification, validation of credentials and qualification

for licenses and registration issued by the State of Maryland; conducts continuing education audits of renewal, reinstating, reactivating applications; directly supervise and evaluate performance of the licensing staff.

The Licensing Coordinator conducts independent reviews and processing of all applications for licensure and registration, reviews applications for renewal, reinstatement and reactivation of licenses or registrations, notifies applicants of examination date and provide admittance notices, notifies applicants of Jurisprudence Examination results, and prints licenses and registrations.

COMPLIANCE UNIT REPORT



The Compliance or Disciplinary Unit (the “Unit”) assists the Board to fulfill its mission of ensuring that quality massage therapy care is provided to the public. The Unit accomplishes this objective by investigating complaints, presenting investigative findings to the Board, implementing the Board's recommendations, transmitting cases to the Office of the Attorney General (OAG) for prosecution, and monitoring case management compliance. The staff of the Unit regularly interacts with the public, licensees and registrants, and responds to informational requests. The Unit works collaboratively

with other branches of the Maryland Department of Health (MDH), Board Counsel and prosecutors in the Office of the Attorney General and with other government agencies.

Complaints are received from a variety of sources. Not all of these can be classified as complaints. Investigations are usually based on written complaints from the public. However, the Board also investigates cases based on information received from other sources. These include Health Care Alternative Dispute Resolution Office Claims, Medical Malpractice Settlement Reports, other state Boards, the Media and Law Enforcement agencies. When warranted, the Board may also initiate complaints against licensees and registration holders.

In addition to investigating complaints and monitoring disciplinary compliance, the Unit provides mandatory reports to national organizations and State Agencies including National Practitioner Data Bank (NPDB), Regulatory Services Performance Measures, and the Clearinghouse Reconciliation Report. Some of these reports are compiled and submitted monthly while others are prepared and submitted annually.

This report provides a synopsis of the investigative performance of the Compliance Unit during FY 2021.

Compliance Unit Team

The Compliance Unit (the “Unit”) is comprised of an Investigator Supervisor and one Investigator. The investigators investigate complaints for the Massage Therapy and Chiropractic Boards. The Unit has experienced fluctuation in staffing levels in FY 2021. The Investigative Supervisor retired on December 31, 2019, leaving one investigator to manage the caseload for two Boards. The recruitment process for the vacant position was significantly impacted by COVID-19. A second investigator was hired in December 2020. This investigator’s primary responsibility is to investigate cases for the Chiropractic Board but is also available to assist with investigations for the Massage Therapy Board.

The duties of the Investigative Staff include conducting interviews of witnesses and respondents; preparation of subpoenas, investigative reports and case transmittals; preparation of cases for expert review; service of Summary Suspension orders; provision of monthly updates to the Board; and interfacing with the prosecutors in the Office of the Attorney General and Board Counsel.

The Investigator Supervisor prepares performance evaluations for the investigator of the Chiropractic Board; oversees all investigative cases; reviews investigative reports prepared by the investigative staff; investigates cases recommended for Notices of Intent to Deny or Revoke; conducts investigations of the most egregious complaints; reviews criminal history records of applicants; prepares special closure letters, monitors compliance with Board Orders and provides monthly updates to the full Board on the status of investigations.

Disciplinary Statistical Information

The Massage Board received twenty (20) new complaints in FY 2021. The majority of the cases were based on complaints filed by patients. Other sources included the Attorneys of patients, other medical personnel and other state agencies. Each complaint was assigned a case number and initially reviewed by the Discipline Committee of the Board to determine whether or not there were potential violations of the Massage Act.

In FY 2021, there were a total of thirty-two (32) cases under investigation. Twelve (12) of those cases were unresolved in FY 2020. Of the total number of cases investigated, twenty-four (24) were closed after initial review by the Discipline Committee. Four (4) were referred to the Office of the Attorney General (OAG) for prosecution. Four (4) cases resulted in formal disciplinary action and are published on the Board's website. Two (2) cases were closed with informal action (Letters of Education). The remaining two (2) complaint case requires further action by the Compliance Unit and Discipline Committee.

Discipline Cases Disposition

Complaints Pending from Previous Year	12
New Complaints Received	20
Total Cases Under Investigation	32
Cases Referred to the Office of the Attorney General	4
Cases Closed Without Action after Initial Review	24
Cases with Formal Action Taken (Public Action)	4
Cases with Informal Action Taken (Letters of Education)	2
Unresolved Complaints as of June 30, 2021	2

Public Disciplinary Actions Against Licensees/Registrants/Applicants



Public Disciplinary Actions¹ included Revocations, Summary Suspensions, Suspensions, Probation, Reprimand, Denial of Application, Denial of Renewal Application, Denial of Reinstatement Application and/or Termination of Probation. Non-public actions are not disclosable by law and includes Letters of Education or Letters of Admonishment sent to the licensee/registrant by the Board.

In Fiscal Year 2021, the Board summarily suspended the licenses of two (2) LMTs and the registration of one (1) RMP; accepted the surrender of the licenses of two (2) LMTs; denied the registration renewal of one (1) RMP; terminated the probation of one (1) RMP; and terminated the registration suspension of four (4) RMPs who failed to pay child support payments.

¹ Disciplinary Actions are based on investigations initiated in previous years as well as in Fiscal Year 2021.

Public Actions

NAME	LICENSE/ REGISTRATION NUMBER	BOARD ACTIONS
Erin Traweek, RMP	R02930	Effective 08/27/2020, Termination of Consent Order.
Gary Davenport, RMP	R02264	Effective 09/01/2020, Termination of Suspension, Child Support Enforcement.
Angela Banks-Smith, RMP	R02290	Effective 09/16/2020, Termination of Suspension, Child Support Enforcement.
Cassidy Divver, RMP	R01837	Effective 10/2/2020, Denial of License Renewal Application. False or Misleading Application Information.
Damany Vinson, RMP	R02839	Effective 10/06/2020, Termination of Suspension, Child Support Enforcement.
John McAdory RMP	R02986	Effective 10/07/2020, Termination of Suspension, Child Support Enforcement.
David Kupferschmid, LMT	M04467	Effective 11/04/2020 Summary Suspension. 11/23/2020, Surrendered Wall and Wallet License.
Gene Coxson, RMP	R02334	Effective 02/02/2021, Voluntary Surrender of License Sexual Assault.
Ahmed Abdallah, LMT	M04293	Effective 03/25/2021, Summary Suspension, Sexual Assault.
David Kupferschmid, LMT	M04667	Effective 05/04/2021, Permanent Surrender of License/Letter of Surrender, Sexual Assault.
Ahmed Abdallah, LMT	M04293	Effective 5/7/2021 Summary Suspension Lifted – Interim Consent Order. Sexual Assault.
Yuriy Gorodiskiy, RMP	R00238	Effective Date 6/9/2021, Summary Suspension. Sexual Assault.
Gary Davenport, RMP	R02264	Effective 09/01/2020, Termination of Suspension, Child Support Enforcement.

The Disciplinary Unit remains committed to the Board's mission of protecting the citizens of Maryland.

ADMINISTRATIVE UNIT REPORT

The Administrative Unit plays an integral role in the operations of the Board. The mandatory lockdown during the pandemic was especially challenging for the staff. Telework was not a viable option, as mail containing checks and applications could not be diverted to staff residences for processing. Each person was required to report to the office two days each week to comply with social distancing requirements.

As with most businesses and individuals, the Board experienced significant delays in the receipt of mail from the United States Post Office. Despite the challenges, staff continued to process mail, revenue checks and applications and other correspondence when received.

The Unit processes all Board Member and staff travel arrangements, payment of Board bills, provides information to the public on continuing education requirements, fees, license/registration verifications, requested forms, applications, Board statute and regulations and various Board matters.

2021 Legislations Impacting the Board



1. SB 125 State Board of Massage Therapy Examiners – Sunset Extension. PASSED. Continues the State Board of Massage Therapy Examiners in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to July 1, 2032, the termination provisions relating to the statutory and regulatory authority of the Board. Effective July 1, 2021.
2. HB 28/SB 5 Public Health – Implicit Bias Training and the Office of Minority Health and Health Disparities. PASSED. Requires an applicant for an initial license or registration and the renewal of the license or registration, to attest on the application that the applicant has completed an implicit bias training program approved by the cultural and linguistic health care professional competency program. The requirement only applies to an applicant's first license or registration renewal after April 1, 2022. Effective October 1, 2021.
3. HB 183 Public Information Act — Revisions (Equitable Access to Records Act). PASSED Alters the composition of the State Public Information Act Compliance Board; requires the Board to receive, review, and resolve certain complaints from applicants. Effective October 1, 2021.
4. HB 224/SB 262 Department of Information Technology — Study of a Common Information Technology Platform for Health Occupations Boards. PASSED. Requires the Department of Information Technology to conduct a certain review of certain information technology platforms used by certain health occupations boards and make certain recommendations on the feasibility and cost of developing a certain common information technology platform; and requires the Department to report certain findings and recommendations to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee on or before December 1 , 2021. Effective July 1, 2021.
5. HB 309/SB 565 Public Health Data — Race and Ethnicity Information Passed. Requires each health occupations Board, to include on its application for licensure or registration, or renewal form, the option for the applicant to provide the applicant's race and ethnicity information. The health occupations Boards shall encourage the applicant to provide the applicant's race and ethnicity information. The information is reported to the Maryland Office of Minority Health and Health Disparities. Effective October 1, 2021.

Conclusion

The COVID-19 pandemic has presented many challenges and growth opportunities for the Massage Board and its staff. The unexpected lockdown in March 2020 allowed us to acquire new technology skills to effectively continue the work of the Board as seamlessly as possible from home. Several of the Board's processes have now moved to a web-based platform. We have expedited and streamlined the submission of various types of applications, and frequently use emails to communicate with applicants, licensees and registrants. Board and committee meetings continue to be held virtually.

Working cooperatively with other state agencies and stakeholders, we continue to ensure protection of the public and promote safe practice by the chiropractic professionals.

We are here to serve!