

The Commonwealth of Massachusetts
Division of Professional Licensure
Board of Registration of Chiropractors

1000 Washington Street
Boston, MA 02118

February 5, 2015

A regularly scheduled meeting of the Massachusetts Board of Registration of Chiropractors, (the Board) was held in Room 1D, 1000 Washington Street, Boston, MA.

Members Present

Dr. Marsha Krohn, Chair
Dr. Scott Storozuk, Vice Chair
Dr. Dan Reida, Secretary
Dr. Scott Garber, Member
Dr. Marsella Imonti, Member
Dr. Lori DeVeuve, Member
Mrs. Diane Slater, Public Member

Staff Present at Various Times

Sheila York, Esq., Board Counsel
Neldy Jean-Francois, Executive Director
Joann Termine, Board Administrator
Sarah Wilkenson, Assistant Chief Investigator
Pamela Mogavero, Office of Investigations
Alan Van Tassel, Office of Investigations
Ana Garcia, Associate Executive Director
Ellen D'Agostino, Health Care Fraud Investigator

Chairman's Message

Dr. Krohn welcomed Dr. Lori DeVeuve, from Cape Cod as the newest Board member.

Agenda

Dr. Krohn reviewed the agenda for the meeting. Thereafter, a motion was made by Mrs. Slater to approve the agenda as amended. Seconded by Dr. Storozuk. Passed unanimous.

Board Minutes

Minutes from the December 4, 2014 were reviewed. Motioned by Dr. Reida and Seconded By: Dr. Storozuk. Discussion ensued regarding typographical errors that needed to be corrected including deleting Dr. Imonti from the present list, correct spelling of the Health Care Fraud Investigator's name, correcting references to Mrs. Slater on page two and other minor corrections. Another motion was made to accept the minutes of December 4, 2014 as amended by Mrs. Slater seconded by Dr. Storozuk. Passed unanimously.

A motion was made by Mrs. Slater and seconded by Dr. Garber to authorize Dr. Storozuk and Dr. Garber to attend the 2015 National Board event and the Federation of Chiropractic Licensing Boards. Passed unanimously.

Closed Session (Closed pursuant to MGL c. 112 s. 65C)

Motion By: Mrs Slater to suspend open session and move to closed session pursuant to MGL c. 112 s. 65C for the purpose of holding closed investigative conference to discuss new cases at 10:33 AM. and Seconded By: Dr. Garber.

Passed unanimously.

Public session resumed.

During the closed session, the Board took the following actions:

CH-15-010 [WCC] This case was sent to the Office of Prosecution

CH-15-011 [JD] This case was sent to the Office of Prosecution

CH-15-002 SR This case was sent to the Office of Prosecution.

Investigative Conference

CH-15-007 Tabled to next month

CH-15-002 sent to the Office of Prosecution

CHoR Waiver Interview

Licensee [MC} appeared before the Board to request approval to become CHoR for Allied Rehabilitation Center, LLC Chiropractic Facility App #591. The Motion made By: Dr. Garber, Seconded By: Mrs. Slater to approve. Passed unanimously.

Settlement Discussion. Attorney York presented before the Board to discuss settlement issues in open matters CH-15-004 and CH-14-026, CH-14-033. A motion was made by Dr. Storozuk and seconded by Dr. Garber, to suspend open session and move to closed session pursuant to MGL c. 112 s. 65C for the

purpose of discussing potential settlement terms. Motion passed. Investigators left the room and were not present during settlement discussions.

Public session resumed.

Report of actions taken in closed session:

CH-15-004 Discussed. Direction given to Board Counsel.

CH-14-026 and CH-14-033 Mrs. Slater recused herself and left the room during discussion of these cases. Board discussed and gave direction to Board Counsel.

Legal Counsel Report

Attorney York provided an update on the regulation process. Board Counsel informed the Board that the new Governor has “frozen all regulatory changes statewide, for the time being.” Also, Attorney York said that prior to the regulatory freeze, the proposed regulations were forwarded to Housing and Economic development. She will keep the Board informed of any updates.

Compliance Monitoring

CH-10-061 BCC-Dorchester Facility has been closed. A motion was made by Dr. Garber and seconded by Mrs. Slater to end the probation and change the status of this facility license to “out of business.” Passed unanimously. Staff will follow up with owners regarding second facility at different location which is also under Board-ordered monitoring.

Case Monitoring

Dr. Imonti and Mrs. Slater have reviewed the current cases under monitoring requirements. Motion made By: Dr. Garber and Seconded By: Dr. Storozuk to accept the case monitoring report as presented by Dr. Imonti and Mrs. Slater. Passed unanimously.

CH-06-005 - Accepted, with amendments to reflect the correct inspection date”

CH-10-062,063,064 - Corrective Action Plan Accepted

CH-020-021-022 - 7th report Accepted

CH-12-101 - 2nd report Accepted

CH-14-003 - 2nd report Accepted

CE Applications

Dr. Garber presented his recommendations regarding CE applications #3886 - #3925. Motion made By: Mrs. Slater and Seconded by Dr. Storozuk to accept the CE applications as recommended by Dr. Garber. Passed unanimously.

Correspondence

Email from Dr. Kranz dated January 12, 2015 requesting the statutory or regulatory definition of "Primary Care Provider" in Massachusetts and seeking an opinion as to whether chiropractors are considered primary care physicians, providers or practitioners. Board Counsel to respond by referring Dr. Kranz to the definition of the term in Chapter 224 of the Session Laws of 2012.

Email from Ms. Beeman dated January 13, 2015 requesting that Part 4 of the National Board of Chiropractic Examiners needs 2 Board members to help administer the test. Received.

Letter from University of Western States dated January 14 2015 regarding a preceptorship program with Dr. Firestone. Received.

Email from Dr. Goldberg dated January 20, 2015 asking if N.A.E.T. , an allergy protocol, is within our scope of practice? Board directed staff to refer Dr. Goldberg to the chiropractic scope of practice statute and regulation and request that if the licensee believes that the allergy protocol falls within this scope of practice, he needs to provide further information to the Board as to how the proposed treatment fits within the profession's scope of practice.

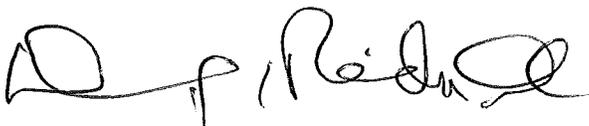
Letter from Dr. Swift, dated January 29, 2015 requesting CE approval for courses that are sponsored by MD's at his local hospital. Per regulation, the Board cannot approve courses after they have been presented. Similar courses held in the future are likely to be approved by the Board if Dr. Swift would submit the format for CE approval prior to presentation. The Board will inquire if any chiropractors are welcome to attend.

The Chair noted that former Board member Dr. Kenneth W. Harling was present and would be receiving a Governor's Citation for his service on the Board after today's Board meeting.

Dr. Krohn stated that the agenda had been completed and no objections were heard.

Thereafter at 12:57 PM Motion to adjourn made by Dr. Garber, seconded by Dr. Storozuk. Passed unanimously.

Respectfully submitted,



Daniel Reida, D.C.
Secretary
Massachusetts Board of Registration of Chiropractors

List of Documents Used by the Board at the Open Meeting

Agenda for February 5, 2015

Draft of December 4, 2014 minutes

Monitoring Report from Dr. Imonti and Mrs. Diane Slater

CE applications Nos 3886 through 3925

Email from Dr. Kranz dated 1/12/15

Email from Ms Beeman dated 1/13/15

Letter from U of Western States dated 1/14/15

Email from Dr. Goldberg dated 1/20/15

Letter from Dr. Swift dated 1/29/15