

Commonwealth of Massachusetts
Division of Professional Licensure
Board of Registration of Chiropractors
1000 Washington Street
Boston, MA 02118

April 7, 2016

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

The meeting was called to order by Dr. Storozuk at 10:01 a.m.

Dr. Storozuk informed the Board that Governor Baker is slated to sign a proclamation celebrating Chiropractic's 50 years of licensure in Massachusetts on June 28 at the State House. More details to come.

Members Present

Dr. Scott Storozuk, Chair
Dr. Lori DeVeue, Secretary
Dr. Dan Reida, Member
Dr. Marsella Imonti, Member
Dr. Glenn Dodes, Member

Members Absent

Dr. Scott Garber, Vice Chair
Mrs. Diane Slater, Member

Staff Present At Various Times

Sheila York Esq., Board Counsel
Brian Bialas, Executive Director, Multi Board Unit
Ellen D'Agostino, Office of Investigations
Sandra Velasquez, Multi Board Unit
Chris Carroll, Chief of Investigative Unit
Alan Van Tassel, Office of Investigations
Julie Brady, Esq., Office of Prosecutions

AGENDA

Motion to approve the agenda for today's meeting as amended was made by Dr. DeVeue and seconded by Dr. Dodes. Motion passed unanimously.

MEETING MINUTES

Motion was made by Dr. Reida to approve the March 3, 2016 Public Minutes. Seconded by Dr. Dodes. Motion passed unanimously.

Update on Investigative Matters from the Unit Chief and Deputy Chief

Chris Carroll, Chief of the Investigative Unit, reported to the Board that 223 inspections were performed in 2014 and 393 in 2015. The number of complaints from Insurance companies is down, as are the number of complaints at the consumer level. He credits this to a proactive Board and the Office of Investigations' efforts.

CASES

The Board prepared to discuss investigative matters. Thereafter, a Motion was made by Dr. DeVeuve, seconded by Dr. Reida, and was **VOTED** (unanimous) to suspend the open meeting pursuant to **MGL c. 112, s. 65C and enter into closed investigative conference to discuss the following investigative matters:**

Complaint applications [SG]

CH-16-011 [MD]

CH-16-028 [BCC] Dr. Dodes recused himself.

Open Session resumed at 10:45 a.m. Dr. Dodes returned to the room.

Report of actions taken in closed 65C Sessions:

Complaint applications [SG] –procedural guidance given to Office of Investigations.

CH-16-011 [MD] Scheduled Investigative Conference.

CH-16-028 [BCC] Dr. Dodes recused from this matter. The Board was updated.

Reinstatement

Jason Corbett presented with his attorney Jennifer Herlihy for an initial discussion on his request to begin the reinstatement application process for his license to practice, which he voluntarily surrendered in May, 2008. Dr. Dodes recused himself from this matter. **Thereafter a Motion was made by Dr. Imonti and seconded by Dr. Reida and it was VOTED to suspend the open meeting and enter into executive session pursuant to MGL c. 30A, s. 21(a)(1) for the purpose of discussing the applicant's good moral character rather than professional competence.** Roll call vote. Members in favor: Dr. Storozuk, Dr. Reida, Dr. Imonti, Dr. DeVeuve. Board members opposed: none. Recused: Dr. Dodes. The Chair announced that he estimated that public session would resume in twenty minutes.

Dr. Dodes returned to the room.

Open Session resumed at 11:04.

CASES (continued)

At 11:05 a.m., a motion was made by Dr. Reida, seconded by Dr. DeVeuve, **VOTED** (unanimously) to suspend the open meeting pursuant to **MGL c. 112, s. 65C and enter into closed conference to discuss the following investigative matters:**

CH-16-033 [SF]
CH-16-035 [CH]
CH-16-038 [GH]

Settlements CH-16-027 [PD]

Open session resumed at 12:15 p.m.

Report of actions taken in closed 65C session:

CH-16-033 [SF] Sent to prosecutions.

CH-16-035 [CH] Sent to prosecutions.

CH-16-038 [GH] Sent to prosecutions.

Settlements CH-16-027 [PA] Investigators left the room prior to this discussion. Board discussed potential consent terms with prosecutor.

Case Monitoring Report

Dr. Imonti presented her recommendations with regard to the following monitoring documents received:

CH-15-020, -021, -022 [DO] CEUs and Letter of Future Plan. Dr. Storozuk recused himself. Recommend to accept CEUs and licensee's plan. A motion to accept CEUs and the plan was made by Dr. Reida, seconded by Dr. Dodes. Passed unanimously.

Dr. Storozuk returned to the room.

Dr. Imonti's Report (continued):

CH-15-025 [KL] CEUs. Recommend Accept.

CH- 15-027 [KK] CEUs. Recommend Accept.

A motion was made by Dr. DeVeuve, seconded by Dr. Reida, and it was voted unanimously to accept Dr. Imonti's recommendations regarding the above monitoring matters.

Interviews

The following licensees were interviewed by the Board:

CH-06-005 [KZ] Petition for Termination of Probation

The licensee discussed his experience with probation. A motion was made by Dr. Reida, seconded by Dr. DeVeuve and **VOTED** unanimously to accept termination of probation.

CH-14-031 [JC] 5th Quarterly Monitoring Report, 1st, 3rd, 5th Corrective Action Plans, and Petition for Termination of Probation

The licensee discussed her probation with the Board. A motion was made by Dr. Imonti, seconded by Dr. Reida and **VOTED** unanimously to accept all reports, plan and accept termination of probation.

CH-10-062, -063, -064 [DJ] 4th, 5th, and 6th Corrective Action Plans, CEUs, and Petition for Termination of Probation

Licensee discussed his probation with the Board. A motion was made by Dr. Reida, seconded by Dr. Dodes and **VOTED** unanimously to accept all plans, CEUs and termination of probation.

CH-14-0009 [FFC] 2nd Corrective Action Plan and Petition for Termination of Probation

The owner of the licensed facility discussed the facility's probation with the Board. A motion was made by Dr. Reida, seconded by Dr. DeVeuve and **VOTED** unanimously to accept plan and termination of probation.

Change of ChoR Interview

Dr. Marc Marshall for Boston Community Chiropractic.

Dr. Imonti recused herself.

Dr. Marshall brought the Compliance Manual from the facility for the Board to inspect. He has worked as a coverage doctor at the facility on/off for 15 years. He will treat patients at BCC part time and oversee the practice. He is aware that monitoring will be in place. He was ChoR 6-7 years ago for a brief time. Dr. Reida made a motion, seconded by Dr. Dodes and **VOTED** unanimously to accept Dr. Marshall as ChoR for BCC.

Dr. Imonti returned to the room.

The Board broke for lunch at 12:45 p.m.

New Licensee Interview

The following candidates completed new licentiate orientation/interview with Dr. DeVeuve during the lunch break:

Edward Geddis, Justin Culci, Adam Miller

Open meeting resumed at 1:26 p.m.

Final Decisions and Orders

A motion was made by Dr. Imonti, seconded by Dr. Dodes and **VOTED** unanimously to suspend the open meeting and go into Closed quasi-judicial Session: under G.L. c. 30A, s. 18(d) to discuss the issuance of Final Decisions and Orders in the following adjudicatory matters:

CH-11-095, -057 [CY]

CH-13-029 [HD]

CH-14-026, -033 [CQ]

Open meeting resumed at 1:51 p.m.

CH-11-095, -057 [CY]

A motion was made by Dr. Dodes, seconded by Dr. Reida and VOTED unanimously to issue a Final Decision and Order in this matter.

CH-13-029 [HD]

A motion was made by Dr. Reida, seconded by Dr. Dodes and VOTED unanimously to issue Final Decision and Order in this matter.

CH-14-026, -033 [CQ]

A motion was made by Dr. DeVeue, seconded by Dr. Imonti and VOTED unanimously to issue the Final Decision and Order in this matter.

LEGAL REPORT

Sheila York Esq. gave the Board an update regarding the **E.O. 562 regulation review project**. She reports that the Office of Consumer Affairs and the Secretariat of Housing and Economic Development had some questions regarding the primary care provider language that the Board was proposing to add to Section 4.00. They were concerned that the term “primary care provider” has a particular meaning in the insurance industry and adding it to the Board’s regulations at this time could cause confusion for patients and interested parties. The Secretariat suggested that the Board take the primary care provider language out and proceed with the other proposed changes, including the Peer Review regulations. The document will go back to the Secretariat with the changes. Administration and Finance is the next step.

Reinstatement [JG]

Dr. Dodes recused himself. The Board considered the re-instatement petition of Joseph Giampa. Board Counsel discussed Mr. Giampa’s disciplinary history, statements made in support of his request for reinstatement, and the Board’s responsibility to act in the best interest of the public health, safety and welfare. Board Members discussed the scope of the misconduct that resulted in the petitioner’s loss of licensure, and their significant concerns regarding the petitioner’s current ability and willingness to comply with the laws and regulations governing chiropractic.

Dr. Imonti made a motion, seconded by Dr. Reida and it was **VOTED** unanimously to deny Mr. Giampa’s request for reinstatement at this time.

Dr. Dodes returned to room.

CE Applications

Dr. Reida presented his recommendations regarding the current CE applications. A motion was made by Dr. DeVeue, seconded by Dr. Imonti and it was voted unanimously to approve application # 4531 15-387 – 4552 15-408 as presented.

Correspondence

- **February 25, 2016 Email from NBCE re: Part IV Exam Meeting.** Dr. DeVeuve will attend the June 10th and 11th committee meeting in Greeley, Colorado.
- **March 15, 2016 Email from Dr. Marc Marshall re: Electronic Muscle Stimulation.** Staff was directed to respond that there was no general Board policy and that professional judgment was called for on a case-by-case basis.
- **March 23, 2016 letter from Dr. Jennifer Rubio re: Request for CEU Waiver.** Board directed staff to respond that her CEUs needed to be completed by May 5, 2016.
- **March 21, 2016 letter from Katherine Lantsman, MD regarding LJ.** Board Counsel noted that this letter included confidential information about a licensee which should not be discussed or used in open session. At 2:19 p.m. Dr. DeVeuve made a motion, seconded by Dr. Reida and VOTED unanimously to suspend the public meeting to go into Closed Executive Session, G.L. c. 30A, s. 21(a)(7) to comply with G.L. c. 4, s. 7, para 26(c) and G.L. c. 214, s. 1B. Roll call vote. Dr. Storozuk, Dr. DeVeuve, Dr. Reida, Dr. Imonti and Dr. Dodes all in favor. None opposed. The Chair announced that he estimated that public session would resume in five minutes.

Public session resumed at 2:27 p.m.

Adjournment

Dr. Storozuk noted there were no more agenda items. Therefore a motion was made by Dr. Reida, seconded by Dr. Dodes, and was voted unanimously at 2:28 p.m. to adjourn the April 7, 2016 public meeting of the Board of Registration of Chiropractors.

Respectfully submitted,



Dr. Lori DeVeuve, D.C.
Secretary

List of Documents Used by the Board at the Open Meeting

Agenda for the April 7, 2016 Board Meeting
Draft March 3, 2016 Public Meeting Minutes
Monitoring Report Recommendations from Dr. Imonti
CE Applications #4531 15-387 – 4552 15-408
February 25, 2016 Email from NBCE re: Part IV Exam Meeting
March 15, 2016 Email from Dr. Marc Marshall
March 23, 2016 Letter from Dr. Jennifer Rubio