

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

October 13, 2016

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

Dr. Storozuk observed a quorum of members present and the meeting was called to order at 10:02 a.m.

Members Present:

Dr. Scott Storozuk, Chair
Dr. Dan Reida, Vice Chair
Dr. Glenn Dodes, Secretary
Dr. Lori DeVeue, Member
Dr. Kirk Shilts, Member
Dr. Marsella Imonti, Member
Mrs. Diane Slater, Public Member

Staff Present At Various Times:

Brian Bialas, Executive Director
Ellen D'Agostino, Office of Investigations
Sandra Velasquez, Board Administrator
Sheila York, Esq., Board Legal Counsel

Agenda:

Motion to approve the agenda for today's meeting as posted was made by Dr. Reida and seconded by Mrs. Slater. Motion passed unanimously.

Meeting Minutes:

Motion was made by Dr. Shilts and seconded by Dr. Dodes **to approve the September 8, 2016 Public Minutes as amended.** Motion passed unanimously with Mrs. Slater abstaining.

Motion was made by Dr. Shilts and seconded by Dr. Dodes **to approve the Minutes of Executive Session #1 of September 8, 2016, as amended, and to maintain the confidentiality of those minutes until the purpose for the Executive Session has transpired.** Motion passed unanimously with Mrs. Slater abstaining.

Motion was made by Dr. Shilts and seconded by Dr. Dodes to approve the Minutes of Executive Session #2 of September 8, 2016, as amended, and to maintain the confidentiality of those minutes until the purpose for the Executive Session has transpired. Motion passed unanimously with Mrs. Slater abstaining.

Cases:

The Board prepared to discuss investigative matters. Thereafter, at 10:17 a.m. a Motion was made by Dr. DeVeuve, and seconded by Mrs. Slater, to suspend the open meeting pursuant to MGL c. 112, 65C and enter into closed investigative conference to discuss the following investigative matters: CH-16-042 [MT], CH-16-043 [RV], CH-16-038 [GH] and Malpractice Notification [RP]. Motion passed unanimously.

A motion was made by Mrs. Slater and seconded by Dr. DeVeuve at 11:14 a.m. to exit closed investigative session and resume open session. Motion passed unanimously. Report of actions taken during Investigative session:

Interview: CH-16-042 [MT] – No action pending further investigation

Dr. Dodes recused himself from the next matter and left the room.

New Cases: CH-16-043 [RV] – No action pending further investigation.

Dr. Dodes returned to the investigate conference.

CH-16-038 [GH] – Dismissed

Malpractice Notification [RP] – No Action Taken

Final Decisions and Orders:

The Board prepared to deliberate over issuing a Final Decision and Order in CH-14-030. Thereafter, at 11:15 a.m., a Motion was made by Mrs. Slater, and seconded by Dr. DeVeuve to suspend the open meeting pursuant to MGL c. 30A, s. 18(d) and enter into closed quasi-judicial session to discuss CH-14-030. Motion passed unanimously.

Public session resumed at 11:25 a.m.

CH-14-030 [CA] – A motion was made by Mrs. Slater and seconded by Dr. DeVeuve to direct staff to issue the Final and Decision and Order in CH-14-030. Motion passed unanimously.

Legal Report:

Dr. Dodes recused himself from the next matter and left the room.

Reinstatement Request [JC] – Atty York discussed Jason Corbett’s petition for reinstatement. The Board discussed the petitioner’s record of prior disciplinary proceedings before the Board, his interview with the Board on April 7, 2016, and the materials he presented in support of his petition. Board Counsel noted that the decision to reinstate a chiropractor license is in the sole discretion of the Board which must determine that reinstatement will serve the public interest. The Board noted that the petitioner’s prior misconduct involved paying for patients at multiple chiropractic facilities and that it was not his first discipline with the Board. Given this history, the Board was concerned about the petitioner’s current ability and willingness to comply with the laws and regulations of the Commonwealth. A motion was made by Mrs. Slater, and seconded by Dr. Reida, **to deny the petition for reinstatement of licensure.** Motion passed unanimously.

Dr. Dodes returned to the meeting

Case Monitoring Report:

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

CH-16-035 [CH] Proposed Monitors

CH-11-023 [BCC] 4th Quarterly Monitoring Report

CH-16-027 [PD] Ethics and Boundaries Exam Score Analysis Report

A motion was made by Dr. Reida and seconded by Mrs. Slater **to accept Dr. Imonti’s recommendations to accept the monitoring documents received in the above cases.** Motion passed unanimously.

CE Applications:

Dr. DeVeuve presented her recommendations regarding the current CE applications. A motion was made by Dr. Reida, and seconded by Dr. Dodes, **to accept Dr. DeVeuve’s recommendations to approve applications # 4671 16-082 – 4695 16-106 as presented.** Motion passed unanimously.

Correspondence:

- **9/2/16 Email from P. Morin re: NBCE Testing System Malfunction** – Received and read.
- **10/3/16 Email from S. Bennett re: CCE Standards Review Process** – Received and read.

Policy and Procedures Discussion:

- **Compliance Monitoring Process:**

Mr. Bialas discussed why the Board should consider not routinely imposing discipline requiring licensees who are being monitored to submit corrective action plans after each monitoring report. The Board agreed in general for future consent agreements the Board will instruct prosecutors to not require corrective action plans but reserve the Board's right to require a corrective action plan in particular cases.

- **Delegated Signing Authority for Minutes:**

A motion was made by Dr. Dodes and, seconded by Dr. Reida, **to allow the Executive Director to sign public meeting and executive session minutes as approved by the Board in the absence of the Secretary of the Board to expedite the posting of minutes on the Division's website.** Motion passed unanimously.

Lunch Break from 11:54 p.m. - 12:36 p.m.

New Licensee Interviews:

During the lunch break, the following candidates completed new licentiate orientation/interview with Dr. Shilts: Melanie Fairman, Zachary Zdrada, James Cash, and Chelsea Sickel

Proposed Changes to Chiropractic Regulations:

Atty York reviewed with the Board the proposed changes to the chiropractic regulations 233 CMR section by section including all comments received during last month's public hearing on said changes.

Section 2.00

No changes to the proposed version.

Section 3.00

The Board made no changes to the proposed version Sections 3.01 and 3.02.

Dr. Shilts recommended deleting proposed Section 3.03(3), which would allow licensees to concurrently receive continuing education (CE) credit for teaching a CE course. A motion was made by Dr. Shilts and seconded by Dr. Dodes to strike 3.03 (3). Motion was defeated. The discussion continued regarding 3.03(3). Board members noted that the regulation would allow a CE instructor to receive credit only one time for a course. The Board discussed whether it was necessary for the regulation to state both that the course could be used only "for the first time" and "used for credit only once." A motion was made by Dr. Reida and seconded by Dr. DeVeuve **to strike "for the first time" from the proposed new wording in 3.03(3).** Motion passed unanimously.

Section 4.00

Dr. Shilts recommended that Section 4.01(1)(d) be amended to include the term "primary" and capitalize the phrase to denote that it is a defined term. A motion was made by Dr. Shilts, and seconded by Mrs. Slater, **to amend 4.01 (1) (d) by replacing "chiropractic procedure" with "a Primary Chiropractic Procedure."** Motion passed unanimously.

The Board discussed the proposed peer review regulation Section 4.17 and its requirement in 4.17(1)(b) that a chiropractor be in active clinical practice in order to be qualified to perform a peer review. Atty York provided a brief history of why that requirement is in the proposed regulation and how it may no longer be necessary due to language in 4.17(1)(c). Dr. Shilts suggested that it is more appropriate to require four (4) years of experience in patient care, recordkeeping and billing similar to the requirement for a chiropractor of record in Section 5.04(4). A motion was made by Dr. Shilts, and seconded by Dr. Reida, **to amend 4.17 (1) (b) to strike out "be actively engaged in the regular treatment of patients in a clinical setting" and replace it with language requiring "four years of verifiable experience in patient care, record keeping and billing, unless a waiver is granted by the Board".** Motion passed unanimously.

Section 5.00

No changes to the proposed version.


A motion was made by Dr. Imonti, and seconded by Dr. Reida, **to direct Board Counsel to take the steps necessary to promulgate the proposed regulations, as hereby amended, as the Board's final version.** Motion passed unanimously.

The proposed regulations will not be effective until published in the State Register. Atty York will keep the Board updated on the status of the regulations.

Adjournment:

Dr. Storozuk noted there were no more agenda items. A motion was made by Dr. Reida, and seconded by Mrs. Slater, **to adjourn the October 13, 2016 public meeting of the Board of Registration of Chiropractors at 1:47p.m.** Motion passed unanimously.

The above Minutes were approved at the open meeting held on December 8, 2016.



Brian Bialas, Executive Director

Documents used by the Board during Open Session:

Agenda of October 13, 2016 meeting
Draft Minutes of the September 8, 2016 meeting and Executive Session 1 and 2
9.2.16 Email from P. Morin re: NBCE Testing System Malfunction
10.3.16 email from S. Bennett re: CCE Standards Review Process
Proposed regulation changes, 233 CMR 2.00 thru 5.00