

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

NOVEMBER 7, 2019

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

Dr. Shilts noted a quorum of members present and called the meeting to order at 10:14 a.m.

MEMBERS PRESENT:

Dr. Kirk Shilts, Secretary

Ms. Barbara Bush, Public Member

Dr. Daniel Fanselow, Member

Dr. Gabrielle Freedman, Member

Drs. Glenn Dodes, Peter Martone and Candace Maddalo were absent from the meeting.

STAFF PRESENT (at various times):

Richard Lawless, Board Executive Director

Melyssa Bennett, Associate Exec. Director

Sheila York, Esq., Board Legal Counsel

Ellen D'Agostino, Office of Investigations

Julie Brady, Esq., Office of Prosecutions

CHAIRMAN PRO-TEM:

Dr. Shilts served as presiding officer in the absence of the Board chairman and the vice-chair.

CHAIRMAN'S MESSAGE

Dr. Shilts mentioned his missing the October meeting and expressed his personal appreciation for the many state employees and Board members he has worked with over the years.

CONFLICT OF INTEREST REMINDER

Dr. Shilts briefly reviewed the state's conflict of interest process and procedures for Board member recusals.

AGENDA

Dr. Shilts reviewed the draft agenda with the Board. Mr. Lawless asked to include a review and attestation of receipt of a "Summary of the Conflict of Interest Law for State Employees" and materials regarding the Commonwealth's Open Meeting Law. Ms. Bennett asked to include the name of Jamison Ratcliffe to the New Licensees Interview.

Thereafter, a motion was made by Dr. Freedman, seconded by Ms Bush and VOTED (unanimous);
to approve the meeting's agenda as amended.

PUBLIC MEETING MINUTES

The Board reviewed the draft public meeting minutes of October 3, 2019.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Fanselow and VOTED (unanimous);
to approve the public meeting minutes of October 3, 2019 as drafted.

NEW & OPEN CASES:

The Board prepared to discuss investigative matters involving new and open cases.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Fanselow and VOTED (unanimous); **to enter into Closed Session under M.G.L. c. 112, s. 65C at 10:26 a.m. for the purpose of discussing investigatory matters and settlement negotiations in 2018-000065-IT-ENF.**

Dr. Shilts estimated that open session would resume in about 45 minutes.

Open Session resumed at 11:40 p.m.

During Closed Session the Board took the following actions:

- | | |
|---|--------------------------------|
| • 2018-000692-IT-ENF [KC] | Postponed |
| • 2019-000513-IT-ENF [MN] | Dismissed with Advisory Letter |
| • 2019-000719-IT-ENF [RT] | Advisory Letter read and filed |
| • 2019-000795-IT-ENF [TA] | Gave direction to staff |
| • 10/01/19 letter from Thomas Giammatteo, D.C. | Gave direction to staff |
| • Automobile Ins. Bureau Report | Reviewed letter for mailing |
| • 2018-000065-IT-ENF [JG] | Guidance given to Prosecutor |

LEGAL REPORT:

- **Proposed Board Policy on Applicants with Criminal History**
Atty. York reviewed the proposed policy including some minor editorial changes with the Board.

Thereafter, a motion was made by Dr. Fanselow, seconded by Dr. Freedman and VOTED (unanimous); **to implement a policy on Applicants with Criminal History as presented.**

- **Proposed Regulations Update to 233 CMR**
Atty. York said she should have all required accompanying forms to the proposed regulations completed by the December meeting.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Fanselow and VOTED (unanimous); **to schedule a public hearing on the proposed regulations 233 CMR for Thursday, February 6, 2020, with the understanding that there may be delays to the process.**

CASE MONITORING:

- **2016-111CH033-IT-ENF [SF]**
The Board reviewed a 10/27/19 letter from the clinical monitor in this case.

Thereafter, the Board gave direction to have the clinical monitor and licensee present at the next meeting.

- **2019-000027-IT-ENF [EL]**
The Board reviewed applications for the position of clinical monitor in this case.

Thereafter, a motion was made by Ms. Bush, seconded by Dr. Fanselow and VOTED (unanimous); **to approve Marsella Imonti, D.C. as the clinical monitor in this case.**

- **2019-000216-IT-ENF [TC]**

The Board reviewed submitted continuing education certificates in this case.

Thereafter, a motion was made by Dr. Fanselow, seconded by Dr. Freedman and VOTED (majority, with Dr. Shilts in opposition);

to approve the submitted continuing education (CE) certificates for CE credits in this case.

CORRESPONDENCE:

- **10/13/19 Email from Kevin Rheaume, D.C. RE: Intra-Oral Treatment**

Thereafter, the Board will respond explaining that intra-oral treatment performed by a licensed chiropractor is not statutorily prohibited.

- **10/24/19 Email from Angelo Della Ripa, D.C. RE: Newspaper account about a Physical Therapist reporting "spinal manipulation" as purported service.**

Thereafter, the Board will forward this matter to the Allied Health Board confirming a licensed Physical Therapist prohibition to perform "manipulation", rather than mobilization, within the Commonwealth.

NEW BUSINESS:

- **Summary of the Conflict of Interest Law for State Employees**

Thereafter, Drs. Shilts, Fanselow, Freedman and Ms. Bush attested to receiving the summary.

- **Office of the Attorney General, OPEN MEETINGS regulations 940 CMR 29.00**

Thereafter, Drs. Shilts, Fanselow, Freedman and Ms. Bush attested to receiving the regulations.

PUBLIC COMMENT PERIOD

None offered

NEW LICENSEE INTERVIEWS

After the meeting, the following candidates were scheduled to complete their new licentiate orientation/interview:

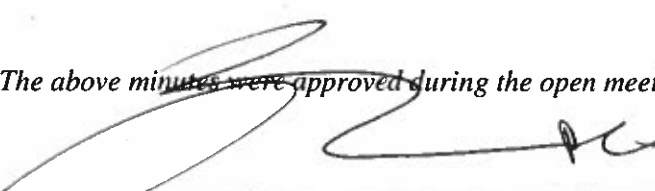
- Scott Durdin (MN); John Redhead (IL); Samuel Riley (RI); Katherine Habanek (WI); Samuel Sisto Lopez (OR); Katherine Roose (OH) and Jamison Ratcliffe (MA)

ADJOURNMENT

Dr. Shilts noted there were no more agenda items.

Thereafter, a motion was made by Dr. Freedman, seconded by Dr. Shilts and VOTED (unanimous);
to adjourn the November 7, 2019 public meeting at 12:13 p.m.

**The above minutes were approved during the open meeting of the Board held on December 5, 2019.*



Kirk Shilts, D.C., Secretary
Board of Registration of Chiropractors

Documents used by the Board during open session:

- *Proposed meeting agenda for 11/7/19*
- *Draft public meeting minutes from 10/3/19*
- *Policy Bulletin Regarding Applicants with Criminal Convictions of Pending Criminal Charges, 11/7/19*
- *20160111CH033-IT-ENF – Consent Agreement*
- *2019-000216-IT-ENF – Consent Agreement and Continuing Education Credits*
- *2019-000027-IT-ENF – Consent Agreement and Proposed Monitor Application*
- *Email from Kevin Rheaume, D.C., dated 10/13/19*
- *Email from Angelo Della Ripa, D.C., dated 10/24/19*
- *Newspaper article, “Physical therapist plans open house”, dated 10/21/19*
- *Summary of the Conflict of Interest Law for State Employees, dated 5/10/13*
- *Open Meeting Law Materials*