

Board of Registration of Chiropractors

1000 Washington Street

Boston, MA 02118

March 5, 2015

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

The open meeting was called to order at 1:00 PM by Dr. Marsha Krohn, Chair

Members Present

Dr. Marsha Krohn, D.C., Chair
Dr. Scott Storozuk, D.C., Vice Chair
Dr. Dan Reida, D.C., Secretary
Dr. Scott Garber, D.C., Member
Dr. Lori DeVeue, D.C., Member
Mrs. Diane Slater, Member

Members Absent:

Dr. Marsella Imonti, D.C.

Staff present at various times

Sheila York, Esquire, Board Counsel
Pamela Mogavero, Office of Investigations
Ellen D'Agastino, Office of Investigations
Neldy Jean-Francois, Executive Director
Ana Garcia, Associate Executive Director
Joanne Termine, Board Administrator

Open Meeting

The Public meeting was called to order at 1:05 PM by Dr. Marsha Krohn, Chair

Chairman's Message

Dr. Krohn offered warm quotes from three famous folks.

Agenda

Dr. Krohn reviewed the proposed agenda. Motion to accept agenda as amended made by Mrs. Slater, seconded by Dr. Storozuk. Passed unanimous.

Board Minutes

Minutes from February 5, 2015 were reviewed and approved as amended. Mrs. Slater noted that the docket numbers for the monitoring report were incorrect. The Board discussed whether the cases must be individually reported in the Board minutes. Board Counsel clarified that if the Board is accepting recommendations made by Mrs. Slater in her Report of Monitoring Cases, then the Board is not discussing each case individually and they do not need to be listed individually in the minutes. Mrs. Slater's written report, however, should be maintained as a record of this meeting. If the Board needs to discuss a specific monitoring case, then the docket number of that matter and the content of the Board's discussion should be reflected in the Board's minutes. Motion made to accept as amended by: Mrs. Slater, and Seconded by Dr. Storozuk. Passed unanimous

CHoR Waiver

Licensee [KC] appeared before the Board to request approval to become CHoR for Mass Sport and Spine of Walpole, Facility App #945. The owners of the facility appeared with the licensee. The Motion to grant waiver to KC made by Mrs. Slater, Seconded by Dr. Garber. Passed unanimous.

Legal Report

Attorney Sheila York tabled discussion of revisions to the Reciprocity Form. The revised form is still in Draft status and will be sorted out with the Board's Executive Director before being reviewed by the Board.

Attorney York informed the Board of the recent decision of the Supreme Court of the United States in the matter of *North Carolina State Board of Dental Examinees v. Federal Trade Commission*, 574 U.S. ___ (2015). This decision involved an antitrust challenge to the actions of a state board of dental examiners, whose members are elected to the State Board by other licensed dentists. Board Counsel offered to provide copies of this decision to any interested board member.

Attorney York informed the Board of a recent Massachusetts Supreme Judicial Court ruling in *Ortiz v. Examworks, Inc.* SJC-11584. In that Case, the SJC was asked to determine the meaning of the word "physician" as it is used in the third paragraph of M.G.L. c. 90, s. 34, the Personal Injury Protection statute. The Court ruled that in that particular statute the term "physician"

included additional types of licensed health care practitioners, not just licensed medical doctors. She offered to provide copies of this decision to any interested board member.

Monitoring Applications

Ch-14-031 [JC] Mrs. Slater said that the licensee has proposed three chiropractors as Clinical Monitors. She made a motion to approve the 3 proposed monitors, seconded by Dr. Storozuk. Passed unanimous.

CE Applications Report

Dr. Garber approved Nos 3890/14-290 ,and from 3926/14-236 through Nos 4033/14-34.

Nos. 3992/14-302 through 3994/14-304 were modified from 12 hours to 8 hours and approved 4031/14-341 was modified from 20 to 16 hours and approved.

3952/14-262 and 3970/14-280 were declined for incompleteness. Board request further information regarding course curriculum be forwarded for re-review and consideration. A motion was made by Dr. Reida to accept the report as presented, Seconded by Mrs. Slater. Passed unanimous.

Correspondence

The Board discussed a letter received from the Office of Inspector General dated January 30, 2015 notifying the Board that Jennifer Elyse Lynne had been excluded from participation in Medicare, Medicaid and all Federal health care programs as defined in section 1128B(f) of the Social Security Act. The Board discussed that Dr. Lynne does not appear to be licensed as a chiropractor in Massachusetts and therefore there did not appear to be any action necessary with regard to this letter.

Discussion

Dr. Reida recused himself.

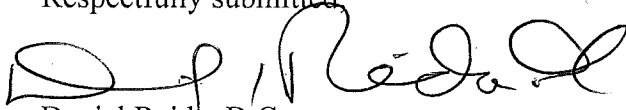
Presentation was made by Dr. Mark Davini from TOP Education, urging the Board to increase the standards of Chiropractic Clinical Assistants (“CCAs”) in Massachusetts by requiring formal education, clinical training and passing an examination. Dr. Davini informed the Board that the Federation of Chiropractic Licensing Board’s has established a certification program for CCAs. The certified CCA would then be able to provide more and better patient care in the clinical setting. Dr. Davini disclosed that his company offers educational courses that qualify a CCA for FCLB certification and therefore has a financial interest in requiring CCA certification.

However, he provided his history with this subject and assured the Board that his real interest in promoting this requirement is the benefit to patients and the profession.

Discussion was had and noted that "current policy of established standards are in place for the chiropractors to train their own CA's". Dr. Davini proposed amendments to the Board's current policy on the Use of Unlicensed Assistants. Dr. Davini proposed an amendment, which would require CCAs to receive FCLB certification as evidence of appropriate training. Attorney Sheila York stated that this issue has been reviewed by the Board in the past and the Board does not have statutory authority to issue licenses to Chiropractic Assistants: "Requiring licensure for CAs is beyond the Board's scope and would require change to legislation." The Board could consider modifying its current policy to indicate that FCLB certification will be accepted as evidence of appropriate training, but not necessarily require that certification. However, the Board would need to discuss whether it wanted to go in that direction because pointing to any one standard for CAs would be a change for this Board. The Chair thank Dr. Davini for his presentation.

Motion to adjourn made at 2:25 PM by Mrs. Slater, 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 March 5, 2015
Draft of February 5, 2015 minutes
CHoR Waiver request for Facility Application No. 945
Monitoring Applications relating to CH-14-031
Dr. Garber's Report on CE Applications, dated 03/04/2015
Letter from Office of Inspector General dated 1/30/2015
Presentation from Dr. Davini re FCLB Certified Chiropractic Clinical Assistant Program