

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

April 2, 2015

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

Members Present

Dr. Marsha Krohn Chair
Dr. Scott Storozuk Vice Chair
Dr. Daniel Reida Secretary
Dr. Lori DeVeuve Member
Dr. Scott Garber Member
Dr. Marsella Imonti Member

Members Absent:

Mrs. Diane Slater, Member

Staff present at various times

Sheila York, Esq. Board Counsel
Neldy Jean-Francois, Esq. Executive Director
Ana Garcia Associate Executive Director
Ellen D'Agostino, Health Care Fraud Investigator
Sonia Jordan, Board Administrator

The meeting was called to order by Dr. Krohn at 10:05 AM

Chairman's Message

Dr. Marsha Krohn offered a philosophical message titled the "Four Agreements"

Agenda

Proposal was modified. Dr. Reida made a motion to accept the agenda as modified. Seconded by Dr. Storozuk. Passed unanimously.

Meeting Minutes

The March 5, 2015 meeting minutes were discussed and a motion to approve was made by Dr. Scott Garber. Seconded by Dr. Scott Storozuk. Passed unanimously.

Probation Termination (CH-12-010)

The licensee presented to discuss his request for termination of probation in this matter. Dr. Reida recused himself and left the room. Dr. DeVeuve took the minutes. Discussion was had with the doctor about the multiple changes that he had made under the direction of his Practice Monitor. A motion was made by Dr. Garber to accept termination of probation. Seconded by Dr. Storozuk. Passed unanimously.

10:15 AM Motion made by Dr. Storozuk. Seconded by Dr. Garber to move to closed session under G.L. c. 112, s. 65C to discuss open investigatory matters in closed session.. Passed unanimously.

10:23 AM Motion to re-open Public Session made by Dr. Storozuk. Seconded by Dr. Garber. Passed unanimously.

Report of Actions taken in investigatory conference:

Notification from Amy Flynn, Department of Inspector General: - no action required at this time.

Legal Report: Attorney Sheila York presented the revised Reciprocity Form and asked Board members to email only her if they believed further revisions were necessary.

10:42 AM Motion to close session in order to hold Investigative Conferences in closed session under G.L. c. 112, s. 65C, made by Dr. Scott Garber. Seconded by Dr. Scott Storozuk. Passed unanimously.

Conferences were held.

11:54 AM Motion to reopen Public Session made by Dr. Scott Storozuk. Seconded by Dr. Scott Garber. Passed unanimously.

Report of Actions taken in investigatory conference:

CH-15-007[MT] tabled

Inspection Issue involving [CC] and [WM]- Directed Board Counsel to send letter to licensees explaining applicable regulations.

Legal Report (continued)

Attorney Sheila York presented a correspondence from Rebecca Dalpe Esq. requesting an advisory opinion on how to handle a disgruntled employee doctor, who wrote erroneous notes on patient charts. Discussion ensued and the Board decided it needed much more detail of the case, before rendering an opinion. And no formal complaint has been filed to date. Board Counsel will inform Attorney Dalpe of the Board's inability to opine without an opportunity to investigate all relevant facts.

Attorney Sheila York presented **Regulation Updates** from the new administration. An **Executive Order** has now been made prohibiting any State Boards from changing Regulations without meeting new guidelines. Per the Executive Order, the Board must justify its existing Regulations by March 31, 2016, as well as its proposed Regulations.

Attorney York took the opportunity to do an **Ethics Reminder** educational moment for the Board members. Specifically the Conflict of Interest law. She reminded us to beware of friends or colleagues that know we are Board members asking for our opinions or advice. She reminded us to always recommend that the friend ask the Board staff for advice.

Case Monitoring Report

Dr. Imonti presented the following cases. CH-10-062, 063, 064; CH-12-010; and CH-14-003 . She recommended accepting these reports. A motion to accept Dr. Imonti's Case Monitoring report was made by Dr. Scott Storozuk. Seconded by Dr. Scott Garber. Passed unanimously.

CE Applications

Presented by Dr. Garber. He states "I have reviewed and approved the following continuing education credits as is 4034/14-344, through 4102/14-412."

"4085/14-396 was modified from 18 hours to 16 hours and approved. They are only eligible for 8 hours/day."

"4086/14-396 was modified from 24 hours to 22 hours and approved. They requested more than 8 hours so it was modified."

A motion was made by Dr. Storozuk to accept Dr. Garber's CE Application Report as presented. Seconded by Dr. Garber. Passed unanimously.

Correspondence

Email from Dr. Carla LeClerc regarding how to handle x-rays damaged in flood. The Board discussed that it could only opine as to what is require by this Board. Licensee would need to check directly with any other relevant government agency, insurance company or other entity to determine their requirements. Licensees are required to maintain x-rays as part of patient record for the period of time set forth in 233 CMR 4.05(7). X-rays should be maintained if at all possible even if slightly damaged. If x-rays are entirely damaged and cannot be safely retained, then licensee must maintain clear proof of the extent and cause of the damage and the reason the x-rays could not be safely maintained. If a complaint requiring review of those records comes before the Board, the burden of proof of demonstrating that a disaster happened requiring destruction of the x-rays will rest with the licensee.

Notification of Disciplinary action by BC/BS against Steven Jacobs. The Board is aware of Dr. Jacob's discipline as it was the subject of a prior disciplinary matter. The Notification will be noted 'as received'

Email from Dr. Laura Jackson asking for CE extension because of illness. Board needs more documentation and detail on illness.

Letter from Dr. Kate Klemer requesting CE approval on coursework she has been doing. She has apparently not stayed current with her CE's since 2009. Staff will open complaint.

Letter from Dr. John Hayes seeking CE approval for being in 3rd year Medical School. Approved going forward. Per Board regulation, the Board does not approve courses that have already occurred. Board reviews applications on a case by case basis.

Discussion

Dr. Krohn and the Board's Executive Director informed the Board that the FCLB (Federation of Chiropractic Licensing Boards) is going to hold a regional meeting in Providence RI September 17th-20th, 2015.

They also informed us that we can apply for positions to monitor Part IV of the National Boards given in May and December. NBCE (National Board of Chiropractic Examiners). If any Board member intends to go on these trips, contact staff as soon as possible because there are ethics and administrative forms that must be completed.

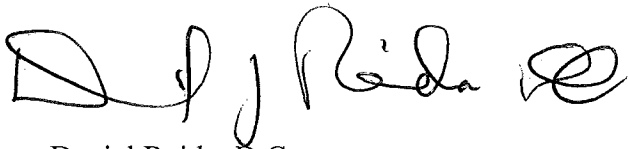
Discussion was had and decision made to cancel the Board meeting scheduled for July 2, because of the holiday conflict.

Motion to adjourn made at 1:42 PM by Dr. Lori DeVeve. Seconded by Dr. Imonti. Passed unanimously.

New Business:

Discussion of meeting every other month made by Dr. Scott Garber suggesting 6 meetings. Also, discussed cancellation of July 2, 2015 meeting.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Daniel Reida", with a stylized flourish at the end.

Daniel Reida, D.C.

Secretary

Massachusetts Board of Registration of Chiropractors

List of Documents Used by the Board at the Open Meeting

Agenda for April 2, 2015

Draft of March 5, 2015 minutes

Letter dated February 20, 2015 from Steven Saro re: CH-12-010

Case Monitoring Report, dated April 1, 2015, from Dr. Imonti

Email from Dr. Garber regarding CE course approvals and modifications

Email from Dr. Carla Leclerc dated 03/19/15 re: X-ray damage

Notification of Disciplinary Action by Blue Cross Blue Shield against Steven Jacobs

Email from Dr. Laura Jansen 03/23/15 re: Continuing Education Extension

Letter from Dr. Kate Kelmer dated 03/09/15 re: Continuing Education Course approval

Letter from Dr. John Hayes received 03/13/15 re: Continuing Education Course Approval