

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

May 7, 2015

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

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

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
Mrs. Diane Slater, Public Member

STAFF PRESENT AT VARIOUS TIMES

Neldy Jean-Francois, Esq., Executive Director
Ana Garcia, Associate Executive Director
Sheila York, Esq., Board Counsel
Pamela Mogavero, Office of Investigations
Joann Termine, Administrative Assistant
Ellen D'Agostino, Health Care Fraud Investigator

CHAIRMAN'S MESSAGE

Dr. Krohn expressed her appreciation for the opportunity to serve the Board as chair. She also shared a quote by Vince Lombardi on Excellence.

AGENDA

The proposed agenda was modified and Motion to accept was made by Mrs. Slater and Seconded by Dr. Garber and it was VOTED (*unanimous*);

To approve the April 2, 2015 agenda as amended.

MEETING MINUTES

A Motion was made by Dr. Storozuk to approve the minutes as amended and Seconded by Dr. DeVeuve, and it was VOTED (*unanimous*); with Mrs. Slater abstaining.

To approve the April 2, 2015 public meeting minutes as amended.

Discussion was had among all in attendance regarding discussion of possibly changing the monthly meetings to every other month. This topic will become an agenda item next month.

10:15 AM Motion was made by Mrs. Slater to move to suspend the public meeting and go into a closed G.L. c. 112, s. 65C session for the purpose of reviewing open investigative matters in closed session. Seconded by Dr. Garber. Passed unanimously.

10:37 AM Motion to resume open session was made by Mrs. Slater and Seconded by Dr. DeVeuve. Passed unanimously. Public session resumed.

The following actions were taken during the closed investigatory conference:

NEW CASES

CH-15-007 Dismissed without prejudice

CH-15-023 Scheduled for an Investigative Conference

Legal Report

Board Counsel, Sheila York informed the Board that pursuant to Governor Baker's Executive Order 562, we are required to review all current and proposed regulations to ensure they are mandated by statute or meet the criteria set forth in Section 3 of the Executive Order. She said Step 1 will be to hold a "listening session" at the next meeting to receive input on the existing regulations.

Attorney York reviewed with the Board a correspondence from Joseph Giampa, former chiropractor, in which he requested information regarding the process for applying for reinstatement of his revoked license. Mr. Giampa's license to practice chiropractic, CH Lic No. 1140, was revoked by a Final Decision and Order of the Board, dated December 16, 2009. The Order revoking his license to practice as a chiropractor did not limit the time period of that revocation nor state that the Board would entertain a request to reinstate the license after a certain time period had passed. Any applicant for licensure would be required to meet the current qualifications for licensure including but not limited to, satisfying the good moral character and suitability requirements set forth in 233 CMR 2.04. The Board asked Board Counsel to respond to Mr. Giampa's inquiry.

Attorney York reviewed with the Board a correspondence from Robert Condon, former chiropractor, in which he requested information regarding the process for applying for reinstatement of his revoked license. Mr. Condon's license to practice chiropractic, CH Lic No. 2393, was revoked based on his failure to respond to allegations that he had violated a Consent Agreement with the Board by failing to pay a \$3,000 fine. The fine has still not been paid. Any applicant for licensure would be required to pay any outstanding fines and meet the current qualifications for licensure including but not limited to, satisfying the good moral character and suitability requirements set forth in 233 CMR 2.04. The Board asked Board Counsel to respond to Mr. Condon's inquiry.

CASE MONITORING REPORT

CH-10-062; 063; 064 [DJ]

CH-11-020;021;022[MH]

CH-14-029[HW]

CH-14-031 [JC]

Dr. Imonti presented her Case Monitoring Recommendation Report to the Board.

A Motion to accept Dr. Imonti's Monitoring Report was made by Dr. Garber and seconded by Mrs. Slater and it was VOTED (unanimous): **To accept Dr. Imonti's Monitoring Report as presented.**

CONTINUING EDUCATIONAL COURSE APPLICATIONS

Dr. Garber reviewed the current CE applications.

A Motion was made by Dr. Garber and Seconded by Dr. DeVeue **to approve application 4107 through 4140** and it was so VOTED (*unanimous*);

GMC: 12:07 PM Applicant E.C. presented before the Board. A Motion to move into Executive Session for the purpose of discussing an individual's good moral character rather than professional competency under G.L. c. 30A, s. 21(a)(1) was made by Dr. Storozuk. Seconded by Dr. Garber. Roll call vote: Members in favor: Dr. Marsha Krohn; Dr. Scott Storozuk; Dr. Daniel Reida; Dr. Lori DeVeue; Dr. Scott Garber; Dr. Marsella Imonti; Mrs. Diane Slater. Members opposed: None. Unanimously passed. The Chair estimated that public session would resume in ten minutes.

Public session resumed at 12:15 pm.

CORRESPONDENCE

- Letter from Dr. D. Champagne dated 4-1-15 requesting CE waiver. Dr. Storozuk recused himself from discussion of this matter and left the room. Mrs Slater made a motion to ask for proof of seminar registration. Seconded by Dr. DeVeue. Motion passed with Dr. Garber opposed and Dr. Storozuk recused.
- Letter from NBCE dated 4-6-15 - Read and Filed
- Letter from Online CE dated 4-10-15 - Read and Filed
- Email from Dr. Broderick – asking Board opinion if the Chiropractor can provide transportation for patients. The Board discussed that it would not violate Board regulations for the chiropractor to provide transportation for patients or pay a transportation service directly for the cost of the patient's transport, provided no other regulations or laws are violated in the process. However, it could violate Board regulations, such as 233 CMR 4.12, to give the patient money for transportation or if the conduct constitutes use of a "runner" prohibited by state law. The Board also wants to instruct Dr. Broderick that this Board can advise only with regard to Board regulations and he should contact any other applicable entity, such as his malpractice company and possibly Medicare and other insurance companies, to determine whether such conduct would violate any of their laws or requirements. Board Counsel will respond on behalf of the Board.
- Letter from Dr. Mitnowsky dated 4-30-15 seeking information to support reciprocity for Arizona. Attorney York will provide staff with an appropriate letter to send.

Delegation of Board Member for hearing on 9-9-15 – Dr. Imonti volunteered to attend.

12:17 PM Motion to adjourn made by Dr. Garber and Seconded by Dr. Storozuk. Passed unanimously.

NEW CANDIDATES FOR CHIROPRACTIC LICENSURE

The following candidates completed the new licentiate orientation and interview with a Board member after the meeting:

Dr. Timothy O'Connor; Yori Thomas; Angela Walker-Gillis and Eric Cousino.

Dr. Krohn reminded the new doctors that they could not practice until they received their license number. Great enthusiasm ensued with the completion of their interviews and welcome to Massachusetts.

Respectfully submitted,

Daniel J. Reida, D.C.
Secretary,
Massachusetts Board of Registration of Chiropractors

List of Documents Used by the Board at the Open Meeting:

Agenda for May 7, 2015 Board Meeting.
Draft April 2, 2015 public meeting minutes.
CE applications 4107-4140 approved
Email from Dr. Champagne dated 4-1-15
Letter from NBCE dated 4-6-15
Letter from Online CE dated 4-10-15
Email from Dr. Broderick 4-27-15
Letter from Dr. Mintnowsky dated 4-30-15