

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

**June 4, 2015**

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

**The meeting was called to order by Dr. Storozuk at 10:07 a.m.**

**Members Present**

Dr. Scott Storozuk Vice Chair  
Dr. Dan Reida Secretary  
Dr. Lori DeVeue Member  
Dr. Scott Garber Member  
Dr. Marsella Imonti Member  
Mrs. Diane Slater Public Member

**Staff Members in attendance at various times**

Robert Fortes Deputy Director  
Sheila York Esq. Board Counsel  
Neldy Jean-Francois Executive Director  
Joann Termine Administrative Assistant  
Ana Garcia Associate Executive Director  
Julie Brady Esq. Office of Prosecutions  
Mary Pixley Office of Prosecutions  
Pam Mogavero Office of Investigations

**AGENDA**

Motion to approve the agenda for today's meeting was made by Mrs. Slater and Seconded by Dr. Garber.  
Motion passed unanimously.

**MEETING MINTUES**

Motion was made by made by Mrs. Slater to approve the May 7, 2015 Public minutes as amended.  
Seconded by Dr. Garber. Motion passed unanimously with corrections made to CH-15-007 and CH-10-062, 063 and 064.

Motion was made by Mrs. Slater to approve the May 7, 2015 Executive Session minutes as presented and to hold them confidential until the purpose of the Executive Session has transpired. Seconded by Dr. Garber. Passed unanimously.

### **ELECTION OF BOARD OFFICERS**

The nomination for Board Officers at the June 4<sup>th</sup>, 2015 Board meeting were as follows:

The Acting Chairman noted that it was time for Board elections for the positions of Chairman, Vice-Chairman and Secretary for the upcoming term of July 1, 2015 to June 30, 2016. The Acting Chair requested nominations for the position of Chairman. Motion made by Dr. Garber to nominate Dr. Storozuk for Chairman. Seconded by Mrs. Slater. The Acting Chair asked if there were any further nominations. Hearing none, he took a vote on electing Dr. Storozuk to the position of Chairman. All in favor.

The Acting Chair then asked for nominations for the position of Vice Chairman.

Motion made by Dr. DeVeuve to nominate Dr. Reida Vice Chairman. Seconded by Dr. Reida. The Acting Chair asked if there were any further nominations for the position of Vice Chairman

Motion made by Mrs. Slater to nominate Dr. Garber as Vice Chairman, seconded by Dr. Garber.

Discussion ensued. Vote taken and Dr. Garber elected Vice Chairman by vote of 3-2.

Motion made by Dr. Reida to nominate Dr. Deveau as Secretary. Seconded by Mrs. Slater. The Acting Chair asked if there were any further nominations. Hearing none, a vote was taken. Dr. Deveau elected Secretary by unanimous vote.

### **NEW CASES**

The Board prepared to discuss investigative matters. Thereafter, a Motion was made by Mrs. Slater, Seconded by Dr. DeVeuve, and was VOTED (unanimous); to suspend the open meeting pursuant to **MGL c. 112, § 65C and enter into closed investigative conference to discuss the following investigative matters: Insurance notification concerning BF and the AIB report received pursuant to G.L. c. 175, s 113V(e).**

### **SETTLEMENT DISCUSSIONS**

Attorney Mary Pixley was present to discuss settlement terms with the Board in **CH-13-029** Attorney Julie Brady was present to discuss settlement terms with the Board in **CH-15-011**. Thereafter, a Motion was made by Mrs. Slater. Seconded by Dr. DeVeuve and was VOTED (unanimous); to suspend the open meeting pursuant to **MGL c. 112, § 65C for the purpose of discussing settlement terms in CH-15-011 and CH-13-029.**

*Open meeting resumed at 11:04 a.m.*

### **Report of actions taken in closed 65C Sessions:**

Insurance Report [BF]-Read and filed

AIB report - reviewed.

### **Executive Director Report:**

Executive Director Neldy Jean-Francois informed the Board that the early retirement of numerous DPL employees has prompted an agency-wide reorganization of staff. Several members of her unit have retired and as a result, she needs to shift duties among her staff. She explained that her day to day involvement with our Board would be lessened and the Associate Executive Director Ana Garcia would be assisting the Director with managing our Board.

Executive Director Jean-Francois also informed the Board that the Board Administrator Joann Termine was being reassigned to assist another Board.

### **LEGAL REPORT**

Regulation update given by Attorney York. Attorney York reminded the Board of the regulation review required by the Governor per EO 562 and that a Listening Session would be held later today to accept comment on the Board's existing regulations. She stated that the proposed regulations previously drafted by the Board will also need to meet the criteria set forth in Section 3 of EO 562. Board members requested drafts of the proposed regulations previously drafted by the Board. Board Counsel will distribute those to the members.

Dr. Imonti offered to meet with any new Licensees in July because of the cancelled meeting of the Board in July.

Attorney York asked the Board's opinion on a question raised by a chiropractor, who wanted to know whether he could rent space 2 days a week in a massage practice. The Board discussed the need for further information regarding ownership of the practice which would be relevant to determining whether a chiropractic facility and massage facility of both were required. Chiropractor should be advised to consult all applicable laws and regulations including Chiropractic regulation and Massage Board regulations and the solo practice questionnaire to ensure compliance with all applicable requirements. Due to the amount of requirements that would need to be met, the Board would recommend against renting space at the massage practice.

### **CASE MONITORING REPORT**

**Dr. Imonti and Mrs. Slater have reviewed the current case under monitoring requirements. Motion made by**

**CH-11-023-** Motion to table made by Dr. Garber to table for the August meeting. Seconded by Mrs. Slater. Passed unanimously.

### **CE APPLICATIONS**

**Dr. DeVeue presented her recommendations regarding CE applications #4142-4158** Motion made by Dr. Garber to accept the CE applications as recommended. Seconded by Mrs. Slater. Passed unanimously.

### **CORRESPONDENCES**

Letter from Dr. Champagne dated 4-1-15 seeking CE waiver. Dr. Storozuk recused himself from this discussion and left the room. Dr. Reida made a motion to grant the licensee's request for a waiver of his

CE requirement based on the documentation submitted, provided the licensee can catch up on the CE requirements by August 1<sup>st</sup> and submit written proof of completing those CEs. Seconded by Mrs. Slater. Passed 3 in favor 2 opposed.

Letter from Dr. Martin dated 5-8-15 seeking CE approval for a Department of Transportation Physical Exam course he has taken. Unfortunately, Board regulations require the Board to receive an application for approval prior to the course being presented and this course has already been presented.

Letters from Dr. Saro dated 2-7-15 and Dr. Harris dated 2-26-15 asking about how to proceed with Syndromic Surveillance and their EHR programs. Dr. Reida produced a print out from the Massachusetts Department of Health on this topic, that, Syndromic Surveillance only applies to hospitals, at this time.

### **2015-2016 BOARD MEETING SCHEDULE**

Board discussed upcoming board meetings for the next calendar year. Board meetings will continue on a monthly basis for 2015-2016.

### **FCLB REPORT-** *(presented by Dr. Kirk Shilts)*

Dr. Shilts appeared before the Board to discuss the Federation of Chiropractic Licensing Board (FCLB) meeting that he had attended in New Orleans recently. He said topics included the recent Dental Board ruling in North Carolina that could impact other health Boards around the country. Legal opinions will be ongoing.

Tele-Health issues.

Four CA credentialing courses are now available

A passport program proposal to allow temporary chiropractic licenses state to state.

A work shop on Roberts Rules of Order

An ethics test is now available online with the National Board of Examiners.

The Fall Convention for the FCLB will be in Providence R.I. this September 17-20, 2015.

P.A.C.E approved courses are now being accepted throughout most of the country.

**Thereafter at 12:30 PM** Motion to recess for lunch made by Dr. Garber. Seconded by Dr. Reida. Passed unanimously.

### **LISTENING SESSION**

**1:30 PM the open meeting resumed for the Public Hearing Listening Session** per Executive Order #562 Section #3. Board Counsel provided a brief introductory statement reminding all present of the reason for the Listening Session and the procedures that will be followed.

**John Haberstroh D.C.**, representing the Boston Spine Clinic-Dr. Haberstroh suggests establishing a separate group to hear appeals from chiropractors that have been disciplined by the Board. He also suggests that a chiropractor's record be "wiped clean" after completing any and all discipline actions and a certain amount of time. He suggests 5-10 years of a clean record post discipline.

**Dr. Jean-Marc Slak**, Former Board Chair-Dr. Slak reminds the current Board that this is a "golden opportunity" to change the regulations. His suggestion is for the Board to read the Dental, P.T., Optometry and Massage regulations for ideas of simplifying our regulations. He feels we have "lots of redundancy" in ours.

**Dr. Phil Baron**, President of the Boston Chiropractic Society -Dr. Baron feels the supportive therapy language in our regulations are confusing. He suggests deleting the words "during the same visit" regarding therapies done by CA's.

**Dr. Tom Sullivan**, Dr. Sullivan feels that regulation CMR 3.03 should be rescinded in its entirety. This addresses continuing education. He also recommends the Board provide more flexibility or "leeway on a case by case basis" for continuing education that are approved elsewhere, including courses in other healthcare professions that have been approved by the Massachusetts DPL and DPH.

**Bob Baritz D.C., Former Board chair**- Dr. Baritz wants to encourage the current Board to continue the 5 years of effort of previous Boards to add proposed regulations. He discussed three portions of the proposed regulations: A. Specifically the definition and scope of chiropractic. B. Supportive procedures. Chiropractors should be able to counsel patients for diet, exercises, ADL's and lifestyle changes, without adjusting the patient on the same day, if not indicated. C. Chiropractic necessity issues.

**Kirk Shilts D.C.**-Dr. Shilts proposed the following suggestions:

- a. Temporary chiropractic licenses should be allowed on a case by case basis
- b. Continuing education requirements are now "way too narrow". "look at the benefits, not the rules"
- c. Peer review committee should be formed and the Peer Reviewer "should be elevated to a higher level"
- d. Remove the Compliance Plan rule that he was instrumental in implementing.
- e. Consider removing the Facility License requirement.

**Ken Harling D.C. , former Board chair -Representing the Massachusetts Chiropractic Society**-Dr. Harling wants to endorse the proposed regulation changes that have been in process for several years. He said "all regulations are subservient to statute and all regulations and statutes should be congruent" He is concerned about Chapter 224. He said we need better levels of reimbursement. We need to be categorized as "Primary Care Providers" (non MD) to get direct access to patients and other services. And to be able to establish a treatment plan. A specialist is a doctor that needs a referral and "we do not want this". "Currently Tufts does not pay for x-rays and doesn't allow us to x-ray the patient, even if the patient pays."

**Peter Kevorkian DC** presents as a “conservative chiropractor” -Dr. Kevorkian practices a subluxation based style of practice and would like to continue practice without being “encumbered with additional requirements”

**Al Kalter DC**-Dr. Kalter recommends “we treat all with dignity, including doctors and that we evaluate how to simplify our own lives.”

**2:26 PM Closed Listening Session**

**Thereafter, at 2:27p.m. motion to adjourn meeting made by Dr. Garber. Seconded by Dr. Reida. Passed unanimously.**

**Respectfully submitted,**

A handwritten signature in black ink, appearing to read 'D. J. Reida', with a stylized flourish at the end.

**Daniel J. Reida, DC**

**Secretary**

**Massachusetts Board of Registration of Chiropractors**

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

Agenda for the June 4, 2015 Meeting

Draft May 7, 2015 Public Session Minutes

Draft May 7, 2015 Executive Session Minutes

Letter from Dr. Champagne dated 4-1-15

Letter from Dr. Martin dated 5-8-15

Letter from Dr. Saro dated 2-7-15

Letter from Dr. Harris dated 2-26-15

Letter from Dr. Martin dated 5-8-15