

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

August 6, 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, Chair  
Dr. Scott Garber, Vice Chair  
Dr. Lori DeVeue, Secretary  
Dr. Dan Reida, Member  
Dr. Marsella Imonti, Member  
Dr. Marsha Krohn, Member  
Mrs. Diane Slater, Public Member

**Members Absent:**

None

**Staff Present At Various Times**

Sheila York Esq., Board Counsel  
Ana Garcia, Associate Executive Director  
Joann Termine, Administrative Assistant  
Alan Van Tassel, Office of Prosecutions  
Ellen D'Agostino, Office of Prosecutions  
Julie Brady, Esq., Office of Prosecutions

**AGENDA**

Motion to approve the agenda for today's meeting with corrections/additions was made by Dr. Garber and seconded by Mrs. Slater. Motion passed unanimously. Corrections included monitoring report was [EO] not [GO] and a letter from Robert Condon added to Correspondence.

**2016 BOARD MEETING SCHEDULE**

Motion to approve the 2016 Board Meeting Schedule was made by Dr. Garber and seconded by Dr. Reida. Passed unanimously.

**MEETING MINUTES**

Motion was made by Dr. Reida to approve the June 4, 2015 Public minutes as amended. Seconded by Mrs. Slater. Motion passed unanimously with corrections made to change "by" to "be" in the first paragraph on the top of page 5.

## CASES

The Board prepared to discuss investigative matters. Thereafter, a Motion was made by Mrs. Slater, seconded by Dr. Garber, 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:**

**CH-15-027[KK]**

**CH-15-025 [KL]**-Dr. Storozuk recused himself for this conference and Dr. Garber presided.

**CH-15-023 [DE]**

## SETTLEMENT DISCUSSION

Attorney Julie Brady appeared to discuss settlement terms with the Board in **CH-15-020, CH-15-022 [DO] and CH-15-002 [SR]**. A motion was made by Mrs. Slater, seconded by Dr. Garber, to suspend the open meeting pursuant to **MGL c. 112, s. 65C** for the purpose of discussing settlement terms in **CH-15-002**.

**Open Session resumed at 12:32 p.m.**

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

**CH-15-027-Referred to Prosecutions**

**CH-15-025-Referred to Prosecutions**

**CH-15-023-Referred to Prosecutions**

## CHoR WAIVER

**Application # 964 [JM]** requested approval to serve as a chiropractor of record despite having less than four years qualifying experience. Board members asked her questions regarding her chiropractic experience and the ownership structure of the proposed facility. Mrs. Slater made a motion, seconded by Dr. Garber, to grant waiver provided the applicant correct the application form to change "solo practitioner" to "partnership." Motion Passed unanimously.

## MONITORING REPORT

Dr. Storozuk requested a motion to move into Executive Session under G.L. c. 30A, §21(a)(7) to comply with G.L. c. 4, s. 7, para. 26(c) and G.L. c. 214, s. 1B in order to protect the licensee's right to privacy regarding medical and other highly personal information in Monitoring Report **CH-98-003 [EO]**. Motion was made by Mrs. Slater and seconded by Dr. Reida. Roll call vote, Members in favor: Dr. Storozuk, Dr. Reida, Dr. Garber, Dr. Immonti, Dr. DeVeuve, Mrs. Slater. Board members opposed: None. Dr. Storozuk stated that public session would resume in 5 minutes.

**Open session resumed at 12:44 p.m..**

### **Case Monitoring Report**

CH-11-023[BCC] 1<sup>st</sup> Quarterly Report

CH-14-031[JF] 2<sup>nd</sup> Quarterly Report

CH-10-062,063,064[DJ] 5<sup>th</sup> Quarterly Report

CH-14-029[HW] Initial Report & Corrective Action Plan

CH-14-003[GP] 4<sup>th</sup> Quarterly Report & Corrective Action Plan

CH-06-005[KZ] 2<sup>nd</sup> Semi Annual Report

Dr. Imonti reviewed the current cases under monitoring requirements. Motion made by Mrs. Slater and Seconded by Dr. Imonti to accept the recommendations set forth in Dr. Imonti's Monitor Report. Motion passed.

### **CE APPLICATIONS**

Dr. DeVeuve presented her recommendations regarding the current CE applications. A Motion was made by Dr. Garber, seconded by Mrs. Slater to accept Dr. DeVeuve's report and approve application #4159 through 4172. Passed unanimously.

### **CORRESPONDENCE**

Letter from Dr. J. Casalino dated 3-30-15 seeking CE extension. He has 24 CE hours but thought his on-line courses would not be accepted. The Board directed staff to send letter stating that any of his on-line courses that appeared on the Board's pre-approved list would be acceptable CE credits.

Letter from Joseph Giampa dated 7-1-15 asking the Board to consider re-instating his license. The Board granted his request to appear before the board at the September meeting to discuss his good moral character.

Letter from Dr. Gauthier dated 7-8-15 with a Facility Requirement inquiry. Attorney York discussed with the Board that unfortunately the statute and regulations do not create an exemption to the facility licensure law for practices that are transitioning between owners. The Board discussed that the Board may consider creating an exemption for this type of situation in the future, but currently there is no such exemption. The Board gave Attorney York direction in responding.

Email from Dr. Garber dated 7/13/15 regarding a flyer posting. Dr. Garber recused himself and left the room. The Board opened a complaint.

Email from Dr. Kotlar dated 7/14/15 regarding CA services under the supervision of a D.C. Board directed staff to respond by directing him to the Board's policy on use of unlicensed assistants and to inform him that certain insurance company requirements may also be applicable.

Letter from Arizona dated 7/17/15 Read and Filed

At 12:50 p.m., the Chair announced that the meeting would recess for lunch.

During the lunch break, the following applicants completed the Board interview:

Brittany Falcone  
Kelly Austin

**1:54 p.m. *Open meeting resumes after lunch.***

### **LEGAL REPORT**

Sheila York Esq. reviewed the written and oral comments received regarding E.O. 562. Much discussion ensued regarding 233 CMR 2.00-5.00 as they currently exist, suggested changes, and a review of the proposed Regulation changes this Board has worked on over the last few years. The Board reviewed each section of its regulation and the comments received pertaining to that section.

#### **233 CMR 2.00**

2.01 Dr. Shilts suggested adding a temporary license.

2.06(2)(a) Dr. DeVeuve suggested renewal fees for re-instatement were a possible financial hardship for doctors. Attorney York said this had already been addressed by a statutory amendment that affected all DPL boards and payment was capped at two renewal cycles only.

#### **233 CMR 3.00**

Discussion revolved around possibly moving away from Board only pre-approved CE's. Dr. Reida suggested adding PACE and Chiropractic College sponsored courses as acceptable. Dr. Storozuk suggested doctors should be held responsible for choosing CE courses that follow Board guidelines for approved courses. Dr. Krohn will look into FCLB's process for accepting CE courses.

#### **233 CMR 4.00**

4.01 Dr. Gilman suggests expanding scope of practice to include dry needling. Others thought scope was too narrow.

Much discussion of delegation of modalities to staff. We have no CA practice standards in current regulations other than delegation of authority language.

4.02(3) Board members discussed removing second sentence from this paragraph beginning, "Supportive procedures shall be used..."

#### **233 CMR 5.00**

Dr. Shilts suggested ending the general use of a compliance plan and to use it for Case Monitoring.

Other suggestions:

If a doctor has had a Board action in his/her past there should be a period of time which, after it has passed, the doctor's record could be wiped clean.

Dr. Slak thinks we are over-regulated.

Dr. Shilts suggests adding Peer Review Standards.

Try to include "Primary Care Provider" in our language.

**Topics not reasonably anticipated by the Chair within 48 hours of the meeting.**

Email from Robert Condon, dated July, 29, 2015, requesting to appear before the Board in September to consider re-instating his license. He will be invited to appear before the Board at the September meeting to discuss his good moral character.

Letter from Dr. Champagne dated 4/1/15 requesting CE waiver. This letter was discussed at a prior meeting, but a response asking Dr. for proof of seminar registration was not sent. Board asked staff to send letter to ask for ce's by October 1, 2015.

Dr. Krohn reminded the Board of the FCLB Regional Meeting being held in RI in September 17<sup>th</sup> - 18<sup>th</sup>. Dr. Krohn will attend the meeting

At 2:52 p.m. Dr. Storozuk noted there were no more items on the agenda. A motion to adjourn was made by Dr. Garber and seconded by Dr. Reida. Passed unanimously.

Respectfully submitted,



Lori DeVeue, DC  
Secretary  
Massachusetts Board of Registration of Chiropractors

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

Agenda for August 6, 2015 Board Meeting  
Draft June 4, 2015 Public Meeting Minutes  
Letter from Dr. J. Casalino dated 3/30/15  
Letter from Joseph Giampa dated 7/1/15  
Letter from Dr. L. Gauthier dated 7/8/15  
Email from Dr. S. Garber dated 7/13/15  
Email from Dr. M. Koltar dated 7/14/15  
Letter from Arizona dated 7/17/15  
Report on Monitoring Reports from Dr. Imonti, dated 8/6/2015