

Commonwealth of Massachusetts
Division of Professional Licensure

Board of Registration of Chiropractors

1000 Washington Street
Boston, MA 02118

October 1, 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. Storozuk at 10:05 a.m.

Members Present

Dr. Scott Storozuk, Chair
Dr. Lori DeVeue, Secretary
Dr. Dan Reida, Member
Dr. Marsella Imonti, Member
Dr. Marsha Krohn, Member
Mrs. Diane Slater, Public Member

Members Not Present

Dr. Scott Garber, Vice Chair

Staff Present at Various Times

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

AGENDA

A motion was made by Dr. Krohn and Seconded by Dr. Reida and was voted unanimously to approve the meeting's agenda as amended.

MEETING MINUTES

Motion was made by Dr. Reida to approve the September 3, 2015 Public minutes as amended. Seconded by Mrs. Slater. Motion passed unanimously

Motion to approve the September 3, 2015 Executive Minutes and to continue to hold them confidential until the purpose for the Executive Session has transpired, made by Mrs. Slater and Seconded by Dr. Krohn. Passed unanimously.

Update on Investigative Matters from Unit Chief and Deputy Chief

Neither the Chief of Investigations nor the Deputy Chief came to update the Board today but they have requested that the Board continue to hold a place in the monthly agenda as their intent moving forward is to visit more Boards more regularly.

CASES

The Board prepared to discuss investigative matters. Therefore, a Motion was made by Dr. Krohn and Seconded by Dr. Reida, and was VOTED unanimous; to suspend the open meeting pursuant to **MGL c. 112, s. 65C and enter into closed investigative conference to discuss the following matters:**

Notification [PG] Dr. Storozuk recused himself for this conference and Dr. Krohn presided.

Facility Violations Issues

Facility Standard Penalties

Open session resumed at 10:40 a.m.

Report of Actions taken during closed session:

Notification [PG] Received, no action taken at this time.

Facility Violations Issue Board informed Office of Investigations that documentation presented by licensee was insufficient to demonstrate that practice constituted a solo practice. OI to inform licensee that facility license is necessary.

Facility Standard Penalties: Board clarified for Office of Investigations that if a facility moves to a new address, and no new facility license is obtained for that new address, standard fine will be \$500 for this circumstance, rather than the standard \$1,000 for having no license at all. Operating with an expired facility license will remain at \$500. Additional discipline could be warranted depending on the facts presented.

Legal Report

MCS re: to change CE approval process

Sheila York Esq., Board Counsel, discussed a request put to her through the MCS attorney, Andrew Aloisi, who asserted that MCS CE courses should not need Board pre-approval because the licensing statute mentions courses conducted by the MCS and other board approved courses. The Board notes that the statute also states "as approved by the Board." The Board interprets the statute to allow the Board to regulate the content of course provided by any sponsor including the MCS. MCS is finding the approval process burdensome especially when the Board cancels a monthly meeting and course approvals are delayed. However, the work the Board is doing on EO 562 Regulation Review may solve this problem by defining CE course content requirements and putting the onus on licensees to take courses that fall under approved guidelines.

EO 562 Regulations Review

Sheila York Esq., Board Counsel, distributed a redline version of 233 CMR for discussion purposes only. The purpose of the proposed changes to the Regulations is to reduce the burden of doing business in Massachusetts, to streamline the Regulations and to reduce the overall volume of Regulations.

The Board discussed the suggested changes/additions by section, which are as follows:

233 CMR 2.01 Definitions

A definition for Peer Review is added.

Under Solo Practice add "e" to clarify space sharing restrictions for solo practices.

233 CMR 2.06 Inactive Status; Individual Reinstatement

(2)(a) A clause added to reduce the reinstatement fees for expired licenses.

233 CMR 2.07 Exemptions

(A Temporary Travel to Treat exemption will be revisited and discussed by the Board as a potential policy.)

233 CMR 3.00: Continuing Education Requirements

Changes to this section aimed at greatly reducing the burden of time and money for entities wishing to present credited CE courses applicable to MA licensure; reducing the use of resources needed on the State level; reducing the use of Board staff and members time and energy; reducing the volume of this Regulation; allowing Chiropractors more leeway in courses they apply to their yearly CE while continuing to be accountable to the Board for their choices.

233 CMR 4.01 Scope of Practice

(1)(a) and (c) add language to accommodate the required Medicare ICD 10 codes used by chiropractors. Similar changes made throughout 4.01.

233 CMR 4.05 Chiropractic Record Keeping

(1)(f) Clarification of informed consent; (7)(d) reduction in length of time required to maintain patient records and add (8) pertaining to retiring chiropractors.

233 CMR 4.10 Misrepresentation or Deceit

(4) Removal of outdated language.

233 CMR 4.13 Advertising

(2) Worded to clarify the time requirement for preserving advertisements.

233 CMR 4.17 Chiropractic Peer Review

This section is added to establish qualifications and minimum standards of practice for peer reviews.

233 CMR 5.02 Facility Standards

(3)(a) Language is added to clarify Solo Practice.

(4) changes made pertaining to the facility application process and suitability to own a facility.

(8) Strike the requirement of a Compliance Plan as this has proved to be a cumbersome financial burden for practitioners with little benefit to public safety and will decrease the burden of Investigators doing Facility Inspections.

(10) becomes (9) Language is changed/added to clarify the process of Transfer of Ownership.

A motion was made by Dr. Reida and seconded by Mrs. Slater and voted unanimously to accept the proposed regulations as amended as proposed changes that should be submitted for review as part of the EO 562 regulation review process.

CASE MONITORING REPORT

CH-14-031[JC] Corrective Action Plan for 2nd Quarterly Report

Ch-14-003[GP] 5th Quarterly Report

Ch-14-029[HW] 2nd Report & Corrective Action Plan

CH-13-156[DQ] Review & approve required CE courses

CH-07-044[JG] Non-Compliance Letter from AED

Dr. Imonti presented her recommendations with regard to the above-mentioned monitoring matters. **Motion was made by Dr. Krohn, Seconded by Mrs. Slater, and it was VOTED (unanimous) to accept the recommendations set forth in Dr. Imonti's Monitor Report relating to the above referenced docket numbers.**

CE APPLICATIONS

Dr. Reida presented his recommendations regarding the current CE applications. A motion was made by Mrs. Slater, Seconded by Dr. Krohn and was VOTED unanimously to approve application #4255-4276 as presented.

CORRESPONDENCE

Letter from Dr. Fogle dated 9/4/15 re: transferring a facility license within the same building. The Board directed staff that a new facility license will not be required and Dr. Fogle's written notification to the Board regarding the suite change within the same building in a timely manner is sufficient.

ADJOURNMENT

Dr. Storozuk noted there were no more agenda items. Motion was made by Dr. Reida and Seconded by Mrs. Slater. Voted unanimously to adjourn the public meeting at 12:50 p.m.

NEW CANDIDATES INTERVIEW

The following candidates completed new licentiate orientation/interview with Dr. Krohn after the public meeting.

James Carr

Virginia Alkemper

Matthew McGovern

Jared King

Respectfully submitted,



Lori DeVeuve, D.C.

Secretary

LIST OF DOCUMENTS USED BY THE BOARD AT THE OPEN MEETING

Agenda for the October 1, 2015 Board Meeting

Draft of the September 3, 2015 Public Meeting Minutes

Draft Redline Proposed 233 CMR

Monitoring Report from Dr. Imonti, dated October 1, 2015

CE Applications #4255-4267

Letter from Dr. Fogle, dated 9/4/15