

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

**FEBRUARY 7, 2019**

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

Dr. Dodes noted a quorum of members present and the meeting called to order at 10:05 a.m.

**MEMBERS PRESENT:**

Dr. Glenn Dodes, Chair  
Dr. Peter Martone, Vice Chair  
Dr. Kirk Shilts, Secretary  
Ms. Barbara Bush, Public Member  
Dr. Daniel Fanselow, Member  
Dr. Gabrielle Freedman, Member  
Dr. Candace Maddalo, Member

**STAFF PRESENT (at various times):**

Richard Lawless, Board Associate Executive Director  
Sheila York, Esq., Board Legal Counsel  
Ellen D'Agostino, Office of Investigations  
Alan VanTassel, Office of Investigations  
Julie Brady, Esq., Health Care Fraud Unit

**CHAIRMAN'S MESSAGE**

No message was given.

**CONFLICT OF INTEREST REMINDER**

Atty. York briefly reviewed the state's conflict of interest process and procedures for Board member recusals.

**AGENDA**

Dr. Dodes reviewed the draft agenda with the Board. Dr. Shilts asked to include both FCLB and NBCE delegate designations due to upcoming deadline issues.

Thereafter, a motion was made by Dr. Fanselow, seconded by Dr. Maddalo and VOTED (unanimous);  
**to approve the meeting's agenda as amended.**

**PUBLIC MEETING MINUTES**

The Board reviewed the draft public meeting minutes of January 3, 2019.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Martone and VOTED (unanimous);  
**to approve the public meeting minutes of January 3, 2019 as drafted.**

**EXECUTIVE SESSION MINUTES**

The Board reviewed the draft executive session minutes of January 3, 2019.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Maddalo and VOTED (unanimous); **to approve the executive session minutes of January 3, 2019 as drafted and to hold them confidential because the purpose for the executive session continues to warrant confidentiality.**

#### **NEW & OPEN CASES:**

The Board prepared to discuss investigative matters involving new and open cases.

Thereafter, a motion was made by Dr. Dodes, seconded by Dr. Freedman and VOTED (unanimous); **to enter into Closed Session under G.L. c. 112, s. 65C at 10:09 a.m. for the purpose of discussing investigatory matters.**

*Dr. Dodes estimated that open session would resume in about forty-five minutes.*

*Open Session resumed at 10:37 a.m.*

During Closed Session the Board took the following actions:

- **2018-000667-IT-ENF [RR]** Postponed
- **2018-000692-IT-ENF [KC]** Postponed
- **2018-000952-IT-ENF [JG]** Gave Direction to Staff
- **2018-000910-IT-ENF [MC]** Sent to Office of Prosecutions
- **2018-001128-IT-ENF [MR]** Sent to Office of Prosecutions

#### **GOOD MORAL CHARACTER ISSUES:**

- **TIM LATHAM, D.C.**
- **JOHN GALLANT, D.C.**

The Board prepared to follow-up on a licensing matter related to Dr. Latham, and to act on Dr. Gallant's application to serve as the Chiropractor of Record for a new applicant Chiropractic Facility "The Joint".

Thereafter, a motion was made by Dr. Fanselow, seconded by Dr. Shilts and VOTED; **to enter into Executive Session under G.L. c. 30A, s. 21(a)(1) and (7) at 10:40 a.m. for the purpose of discussing an issue related to licensees' good moral character and to comply with statutory exemptions to the public records law.**

*Members in favor: Dodes, Martone, Shilts, Bush, Fanselow, Freedman and Maddalo.*

*Members opposed: none*

*Dr. Dodes estimated that open session would resume in about forty minutes*

*Open session resumed at 11:50 a.m.*

#### **INVESTIGATIVE MATTER:**

The Board prepared to discuss the AIB report with Atty. Brady in investigative conference.

Thereafter, a motion was made by Dr. Fanselow, seconded by Dr. Maddalo and VOTED (unanimous); **to enter into Closed Session under G.L. c. 112, s. 65C at 11:59 a.m. for the purpose of discussing an investigatory matter.**

*Dr. Dodes estimated that open session would resume in about fifteen minutes.*

*Open Session resumed at 12:23 p.m.*

During Closed Session the Board took the following actions:

- **AIB Report Update** Gave Direction to Staff

#### **LEGAL REPORT:**

- **New Licensee Interview Regulation Update**

Atty. York reviewed new draft regulation regarding incorporating the New Licensee Interview into a continuing education requirement for a licensee's first registration period.

Thereafter, the Board gave direction to Atty. York.

- **Pending Legal Matters Update**

No report was given on this subject.

#### **DISCUSSION**

- **Policy Guideline on Dry Needling**

Dr. Shilts said when the MA chiropractic enabling statute was enacted in 1966, no jurisdiction knew about Acupuncture or dry needling. He said the statute already provides for an inclusiveness of supportive procedures over time as the norms of chiropractic clinical practice evolve. Dr. Shilts said updating our chiropractic regulations to identify dry needling as a supportive procedure as Atty. York has suggested is wise counsel.

Dr. Shilts handed out a proposed update to 233CMR that includes dry needling for Board review and consider in future discussions.

#### **CORRESPONDENCE**

The Board received the following correspondences:

- **Email (1/09/19) from Lorraine Harris, RE: Needle Purchasing**

Thereafter, the Board gave direction to staff to respond with copies of relevant minutes and Board's policy on dry needling.

- **Email (2/06/19) from NBCE, RE: Board Member Participation at May 2019 Part-4 Test Administration**

Thereafter, any Board member willing to participate will contact Mr. Lawless to complete the required travel forms.

#### **OLD BUSINESS:**

- **Letter (1/30/18) from Michael Megehee RE: FAA Basic Medical Exams**

Discussion postponed due to time constraint.

#### **NEW BUSINESS:**

- **FCLB 2019 Annual Meeting Voting Delegate**

Dr. Shilts volunteered to be the FCLB Alternate Delegate for 2019/20.

- **NBCE 2019 Annual Meeting Voting Delegate**

Dr. Shilts volunteered to be the NBCE Alternate Delegate for 2019/20.

#### **PUBLIC COMMENT PERIOD:**

- No comments were given.

### NEW LICENSEE INTERVIEWS

After the meeting, the following candidates were scheduled to complete their new licentiate orientation/interview:

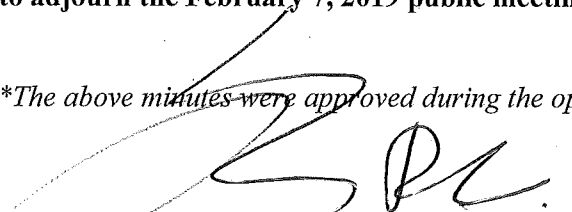
- Michael Pepin (RI); Brianna Opperman (PA); Erica Sawers (CT); Ryan Hollien (MA); Danielle Feeney (MA); Mildred Oxilas (CT) & Riley Fake (NY)

### ADJOURNMENT

Dr. Dodes noted there were no more agenda items.

Thereafter, a motion was made by Ms. Bush, seconded by Dr. Martone and VOTED (unanimous); **to adjourn the February 7, 2019 public meeting at 1:01 p.m.**

*\*The above minutes were approved during the open meeting of the Board held on March 7, 2019.*

  
Kirk Shilts, D.C., Secretary  
Board of Registration of Chiropractors

*Documents used by the Board during open session:*

- *Proposed meeting agenda for 2/7/19*
- *Draft public meeting minutes from 1/3/19*
- *Draft executive session minutes from 1/3/19*
- *Proposed Addition to 233 CMR 3.01 from S. York*
- *Proposed Update to 233 CMR (Supportive Procedures) from K. Shilts dated 2/5/19*
- *Letter from M. Megehee dated 1/30/18*
- *Email from L. Harris dated 1/9/19*