

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

MARCH 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 10:10 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
Betty Akoh, DPL Intern

CHAIRMAN'S MESSAGE

Dr. Dodes welcomed Ms. Akoh to the meeting.

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.

Thereafter, a motion was made by Dr. Martone, seconded by Ms. Bush and VOTED (unanimous);
to approve the meeting's agenda.

PUBLIC MEETING MINUTES

The Board reviewed the draft public meeting minutes of February 7, 2019.

Thereafter, a motion was made by Dr. Maddalo, seconded by Dr. Freedman and VOTED (unanimous);
to approve the public meeting minutes of February 7, 2019 as drafted.

EXECUTIVE SESSION MINUTES

The Board reviewed the draft executive session minutes of February 7, 2019.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Martone and VOTED (unanimous);
to approve the executive session minutes of February 7, 2019 as drafted and to hold them confidential

where 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. Martone, seconded by Dr. Shilts and VOTED (unanimous); **to enter into Closed Session under G.L. c. 112, s. 65C at 10:13 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 11:34 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
- **2018-001203-IT-ENF [DT]** Gave direction to staff
- **2018-001354-IT-ENF [SW]** Sent to Office of Prosecutions
- **2019-000070-IT-ENF [TG]** Gave direction to staff
- **NPDB report (1-2-19) [CB]** Received, no action taken
- **NPDB report (1-14-19) [BM]** Received, no action taken
- **AIB Report Update** Received information

Dr. Dodes declared a 5-minute recess

GOOD MORAL CHARACTER ISSUE

- **TIMOTHY LATHAM, D.C.**

The Board prepared to follow-up on a licensing matter related to Dr. Latham.

Thereafter, a motion was made by Dr. Fanselow, seconded by Dr. Freedman and VOTED; **to enter into Executive Session under G.L. c. 30A, s. 21(a)(1) and (7) at 11:51 a.m. for the purpose of discussing an issue related to the 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 ten minutes

Open session resumed at 11:54 a.m.

LEGAL REPORT:

- **New Licensee Interview Regulation Update**

Atty. York discussed with the Board the time parameter of a new licensee's first year registration-period relative to the Board's proposed orientation program CE requirement.

Thereafter, the Board clarified the proposed requirements for first registration-period. Additionally, the Board gave direction to Atty. York to add the FCLB PACE program as an identified sponsor in the draft CE regulation (233 CMR 3.00) update.

- **Legal Matters Update**

Atty. York said she didn't have a specific update to discuss, but answered questions from the Board regarding a DPL cover letter that accompanies the new Board Policy Guideline on "Dry Needle Myotherapy".

Thereafter, the Board gave direction to Atty. York to request that the DPL change certain terms in their cover letter.

DISCUSSION

- **Federal Aviation Administration (FAA) BasicMed Exams**

The Board discussed a (1/30/18) letter from Dr. Michael Megehee regarding the issue of federal medical examination requirements for pilots who fly small private planes.

Dr. Maddalo said the FAA BasicMed exam for pilots is very similar to the Federal Motor Carrier Safety Administration (FMCA) medical examination for interstate commercial motor vehicle drivers (DOT exams). She said the federal government maintains a registry of physicians certified to conduct these commercial driver medical exams which includes chiropractic physicians. Dr. Maddalo said the FAA does not have its own registry given the small numbers of pilots. Atty. York said the FAA requires that these pilots receive a BasicMed exam from a state-licensed physician. She said that the FAA does not determine whether chiropractors are state-licensed 'physicians' or not, but rather delegates the responsibility to identify physicians able to conduct BasicMed exams to the states. Atty. York said the Board should consider consulting other relevant state entities for additional guidance. Dr. Shilts said the Massachusetts chiropractic enabling statute contains the term "chiropractic physician" for a reason – including the understanding that licensed chiropractors are able to perform physician level evaluation and management services. He said the scope of a federal DOT or BasicMed exam does not exceed the practice scope of chiropractic physicians in Massachusetts to conduct these examinations.

Thereafter, a motion was made by Dr. Maddalo, seconded by Dr. Fanselow and VOTED;
to instruct Board Counsel that the Board believes a Massachusetts chiropractor providing FAA basic medical exams should be FMCA certified and complete an education course on conducting FAA BasicMed exams.

CORRESPONDENCE

The Board received the following correspondence:

- **Email (2/07/19) from Ann Giedd, RE: Nurse Practitioners within a Chiropractic Office**

Thereafter, the Board gave direction to staff in drafting a response including the responsibilities to independent contracting.

NEW BUSINESS

- None

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:

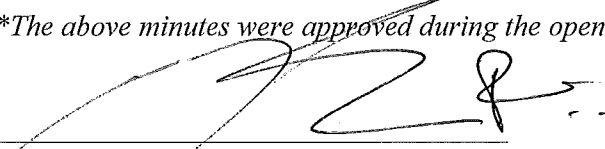
- Alexander MacLeod (CT); Paul Seitz (KY); John Thibodeau (RI) & Alexandria Sibert (MA)

ADJOURNMENT

Dr. Dodes noted there were no more agenda items.

Thereafter, a motion was made by Dr. Fanselow, seconded by Dr. Maddalo and VOTED (unanimous);
to adjourn the March 7, 2019 public meeting at 12:52 p.m.

**The above minutes were approved during the open meeting of the Board held on April 4, 2019.*



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

Documents used by the Board during open session:

- *Proposed meeting agenda for 3/7/19*
- *Draft public meeting minutes from 2/7/19*
- *Draft executive session minutes from 2/7/19*
- *DPL Cover Letter for Board of Registration of Chiropractors Policy on Dry Needling dated 2/7/19*
- *Letter from M. Megehee dated 1/30/18*
- *Assorted documentation on DOT and FAA medical examinations from C. Maddalo*
- *Email from A. Giedd dated 2/7/19*