

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

APRIL 2, 2020

A posted public meeting of the Massachusetts Board of Registration of Chiropractors (the Board) was held remotely by telephone as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts dated March 12, 2020 suspending certain provisions of the open meeting law.

Dr. Dodes noted a quorum of members present and called the meeting to order at 10:03 a.m.

MEMBERS PRESENT:

Dr. Glenn Dodes, Chairman
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 Executive Director
Deborah Cassano, Associate Exec. Director
Sheila York, Esq., Board Legal Counsel
Ellen D'Agostino, Office of Investigations

CHAIRMAN'S MESSAGE

Dr. Dodes reviewed the protocol for the electronic meeting format. He said all votes will be roll-call votes. He said he will sequentially call on each Board for preliminary comment after reviewing the agenda item and similarly during the discussion phase of any seconded motion.

Dr. Dodes took time to review the basic role and responsibility of the licensing board.

CONFLICT OF INTEREST REMINDER

Dr. Dodes briefly reminded Board members of the state's conflict of interest requirement.

AGENDA

Dr. Dodes reviewed the draft agenda with the Board.

Thereafter, a motion was made by Dr. Martone, seconded by Dr. Freedman and VOTED (roll call);
to approve the meeting's agenda as drafted.

Members in favor: Maddalo, Freedman, Bush, Fanselow, Shilts, Martone & Dodes
Members opposed: none

MEETING MINUTES:

- The Board reviewed the draft public meeting minutes of March 5, 2020.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Martone and VOTED (roll call);

to approve the public meeting minutes of March 5, 2020 as presented.

Members in favor: Maddalo, Freedman, Bush, Fanselow, Shilts, Martone & Dodes

Members opposed: none

- The Board reviewed the executive session minutes of March 5, 2020.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Martone and VOTED (roll call); **to approve the executive session minutes of March 5, 2020 as presented and to hold them confidential until the purpose for the executive session has ended.**

Members in Favor: Maddalo, Freedman, Bush, Fanselow, Shilts, Martone & Dodes

Members opposed: none

CORRESPONDENCE:

- **Email from Linda Grasso, 3/20/20, RE: Clinical Monitor Requirement during State of Emergency**
Mr. Lawless confirmed Atty. Grasso's representation of a licensee under consent agreement. Dr. Dodes said Governor Baker issued an Executive Order to extend licensure renewal for professionals whose licenses' expire during the current State of Emergency. Dr. Dodes said the deadline for clinical monitoring reports should match the license renewal extension deadline which is 90-days after the current State of Emergency has ended.
- **Email from George Aude, D.C., 3/25/20, RE: Telehealth Coding & Billing Procedures**
Dr. Shilts said Dr. Aude should consult the applicable practice resources for proper insurance coding and billing. The Board agreed and directed staff to respond accordingly.
- **Email from Jill Michaels, 3/25/20, RE: Chiropractic Student Clinical Requirements for Licensure in MA related to Chiropractic College Emergency Closures.**
Dr. Shilts said a candidate for chiropractic licensure needs to graduate from a CCE-USA accredited program and not conditional to any particular prescriptive clinical requirement. The Board agreed and directed staff to respond accordingly.

DISCUSSION:

- **License Renewal Extension and CE Credit Requirements**
Dr. Shilts said the annual CE credit requirement should mirror the licensure renewal extension during this State of Emergency. The Board agreed and directed staff to respond accordingly.
- **Proposed Practice Protocols during Infectious Pandemic Policy Statement**
Dr. Dodes reviewed the proposed COVID-19 related Policy Statement with the Board. He said it is essential that licensed chiropractors follow Federal Centers for Disease Control and Prevention (CDC) guidelines relative to the possibility that a patient presenting to a chiropractic office could be COVID-19 positive. He said all practicing health providers should be expected to adhere to the same basic guidelines. Dr. Shilts said it is important that chiropractors limit their physical contact procedures during the explosive phase of pandemic infection to only those patients in acute distress or in clinical decline, consistent with MA Dept. of Public Health edicts. Dr. Martone said he worries that ongoing care programs may be interrupted to the potential detriment of the patient.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Fanselow and VOTED (roll call); **to approve the Policy Statement on Following Enhanced Protective Protocols during an Infectious Pandemic Public Health Emergency as amended.**

Members in Favor: Maddalo, Freedman, Bush, Fanselow, Shilts, Martone & Dodes
Members opposed: none

- **Telehealth Practice**

The Board discussed the inevitability that chiropractors will be using telehealth practice formats during the COVID-19 pandemic, and for the Board to become more familiar with the provisions of proper case management and documentation associated with this novel method for delivering health services.

- **COVID-19 Office Protection:**

The Board discussed some of the common protective procedures chiropractors can deploy in their offices relative to viral spread, including no overlap scheduling, equipment disinfection and temperature screening. Board members noted that the Massachusetts Chiropractic Society and TOP Education are already conducting forums on these practical safety measures.

PUBLIC COMMENT PERIOD

- **Albert Kalter, D.C.**, said the Massachusetts Chiropractic Society is available to disseminate information to their members that the Board considers important. Dr. Kalter said the Federal Department of Homeland Security, as does our Commonwealth, considers the health services of chiropractic physicians as “essential services”.
- **Mark Davini, D.C.**, said he appreciates the Board’s efforts to help keep chiropractic offices operating for the public good during this unprecedented pandemic public health emergency.

LEGAL UPDATE

John Doe et al. v. Board of Registration of Chiropractors, Suffolk Superior Court, C.A. NO 19-3962F

Dr. Dodes said the Board will be going into Executive Session to discuss strategy with respect to this matter, and that conducting this discussion in open session may have a detrimental effect on the Board’s litigating position.

Thereafter, a motion was made by Dr. Freedman, seconded by Dr. Fanselow and VOTED (roll call);
to enter into Executive Session under M.G.L. c. 30A, s. 21(a)(3) at 11:07 a.m. for the purpose of discussing litigation strategy.

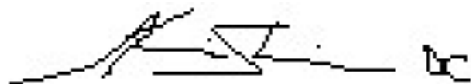
Members in favor: Maddalo, Freedman, Bush, Fanselow, Shilts, Martone & Dodes
Members opposed: none

Dr. Dodes said the Board would not return to open meeting after this Executive Session.

ADJOURNMENT

The public meeting of April 2, 2020 adjourned at 11:07 a.m.

**The above minutes were approved during the open meeting of the Board held on May 7, 2020.*



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

Documents used by the Board during open session:

- *Proposed meeting agenda for 4/2/20*
- *Draft public meeting minutes from 3/5/20*
- *Draft executive session minutes from 3/5/20 (protected)*
- *Draft Policy Statement #1 & #2, “Policy Statement on Following Enhanced Protective Protocols during an Infectious Pandemic Public Health Emergency”, 4/2/20*