

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

FEBRUARY 6, 2020

A posted 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 called the meeting to order at 10:08 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
Lauren McShane, Chief Investigator

CHAIRMAN'S MESSAGE

Dr. Dodes welcomed Ms. Cassano to her new position with the Chiropractic Board.

CONFLICT OF INTEREST REMINDER

Dr. Dodes 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. Atty. York asked to include a correspondence from Bryan Cotter, D.C. to the agenda.

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

PUBLIC MEETING MINUTES

The Board reviewed the draft public meeting minutes of December 5, 2019.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Maddalo and VOTED (unanimous);
to approve the public meeting minutes of December 5, 2019 as presented.

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. Freedman and VOTED (unanimous);

to enter into Closed Session under M.G.L. c. 112, s. 65C at 10:13 a.m. for the purpose of discussing investigatory matters.

Dr. Dodes estimated open session would resume in about 40 minutes.

Open Session resumed at 11:09 a.m.

During Closed Session the Board took the following actions:

- **CH-2018-000692-IT-ENF [KC]** Postponed
- **RE: VT-2019-000950-IT-ENF [MC]** Postponed
- **CH-2019-001197-IT-ENF [AR]** Opened Investigative Complaint
- **CH-2019-001379-IT-ENF [EH]** Sent to Office of Prosecutions

LEGAL REPORT

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

Atty. York said matters of litigation can be addressed in executive session.

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.

Dr. Dodes said open session would resume in approximately 30 minutes.

Thereafter, a motion was made by Dr. Martone, seconded by Dr. Freedman and VOTED;
to enter into Executive Session under M.G.L. c. 30A, s. 21(a)(3) at 11:10 a.m. for the purpose of discussing litigation strategy.

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

Members opposed: none

Open Session resumed at 11:56 p.m.

CHIROPRACTOR OF RECORD (CHoR) APPLICATION:

- **Fredrick Chassman, D.C.**

Dr. Chassman presented to the Board seeking to become the CHoR for the Chiropractic Facility, "Major Chiropractic" in Revere, MA.

Dr. Fanselow recused himself from this matter and left the room.

Thereafter, a motion was made by Dr. Martone, seconded by Dr. Maddalo and VOTED 5-1, with Dr. Fanselow recused;

to allow this CHoR application to continue through the application process.

CASE MONITORING:

- **2016-111CH033-IT-ENF [SF]**

The Board met with the licensee and his assigned clinical monitor.

Dr. Fanselow recused himself from this matter and left the meeting.

Thereafter, a motion was made by Dr. Martone, seconded by Dr. Maddalo and VOTED (unanimous, with Dr. Fanselow recused);

to not accept the clinical monitors reports of 1/24/20, and requested the clinical monitor resubmit the 1/24/20 report using the Board's recommended format.

- **2018-000164-IT-ENF [WL]**

The Board reviewed three (3) applications for the position of clinical monitor in this case. Atty. York said that one applicant may have participated in review of the underlying complaint while he was a member of the licensing Board and therefore he may want to consult with the state Ethics Commission prior to accepting the monitoring position. Dr. Shilts expressed concern that one of the proposed monitors may not have sufficient experience in certain insurance billing and coding practices relevant to this case.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Martone and VOTED (unanimous); **to accept either Dr. S. Storozuk, pending his consultation with the Ethics Commission, or Dr. J. Swift as clinical monitor candidates in this case.**

DISCUSSION:

- **Online License Renewals**

Mr. Lawless said that all chiropractic registration renewals need to be completed online.

- **National Board of Chiropractic Examiners (NBCE) 2020 Massachusetts Delegates**

Mr. Lawless said the NBCE is looking for assignment of a delegate and alternate delegate for their 2020 annual meeting.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Martone and VOTED (unanimous); **to appoint Mr. Lawless as the NBCE delegate and Dr. Shilts as alternate delegate for 2020.**

Furthermore, a motion was made by Dr. Shilts, seconded by Dr. Martone and VOTED (unanimous); **to appoint Mr. Lawless as the Federation of Chiropractic Licensing Boards delegate and Dr. Shilts as alternate delegate for 2020.**

- **Chiropractic Facility (CF) Applications**

The Board discussed time frames when an incomplete CF application would be considered abandoned.

Thereafter, the Board gave direction to staff that an incomplete CF application is considered abandoned past sixty (60) days of notifying the applicants of deficiencies.

- **Chiropractic Facility (CF) Change of Location**

The Board discussed whether a CF requires a new application if it is moving from one floor within a building to another floor.

Thereafter, the Board gave direction to staff that a new CF application is not required if the CF moves within the same address.

POLICY GUIDELINES:

- **Policy Guideline on Continuing Educational Courses**

The Board discussed its 5/31/18 policy guideline including proposed updates to the final section.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Martone and VOTED (unanimous); **to update and post on our website the Policy Guideline on Continuing Education Courses as amended.**

- **Policy Guideline on Dry Needle Myotherapy**

The Board reviewed its 1/3/19 policy guideline. Mr. Lawless said the Division has not yet accepted this policy, and that it will not be posted on the website. Dr. Shilts said the Division could consider including its disclaimer with the Board policy rather than keeping this matter of public safety from the public.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Maddalo and VOTED (unanimous);
to reaffirm and post on our website the Policy Guideline on Dry Needle Myotherapy.

- **Policy Statement on Federal Aviation Administration Basic Medical Exams**

The Board discussed a proposed policy statement on Federal Aviation Administration Basic Medical Exams based on its declarative vote on 3/7/19. Dr. Shilts said the statement itself is nothing more than the actual motion that was voted, with the accompanying policy document providing context to the Board's decision making. Atty. York said she advised the Board against adopting the proposed policy on FAA Basic Medical Exams. Mr. Lawless said the Division will likely not post the proposed policy statement on the website.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Maddalo and VOTED (unanimous, with Dr. Dodes abstaining);
to adopt and post on our website a policy statement on Federal Aviation Administration Basic Medical Exams as drafted.

- **Policy #09-001**

Dr. Shilts said this policy is a duplicative of the already posted Policy Guideline on Applicants for Chiropractor of Record.

Thereafter, the Board gave direction to remove this errant posting from our website.

LICENSE RENEWAL APPLICATION

- **Dr. Leo Kenney**

The Board reviewed Dr. Kenney's application for renewal of an inactive license including two-hundred and thirty-five (235) hours of continuing education courses.

Thereafter, a motion was made by Dr. Fanselow, seconded by Dr. Shilts and VOTED (affirmative, with Dr. Shilts abstaining);
to accept the submitted 235 hours of continuing education toward Dr. Leo Kenney's license renewal.

NEW BUSINESS:

- **Correspondence 10/23/19 from Bryan Cotter, D.C.**

Atty. York reviewed her 12/9/19 reply to Dr. Cotter with the Board. Dr. Shilts said staff should involve the Board when responding to these types of correspondences. He suggested the Board have a discussion on this matter at its next meeting.

Thereafter, the Board gave direction to Atty. York that all correspondences of a substantive nature should come before the Board for its review and response.

PUBLIC COMMENT PERIOD

None offered

NEW LICENSEE INTERVIEWS

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

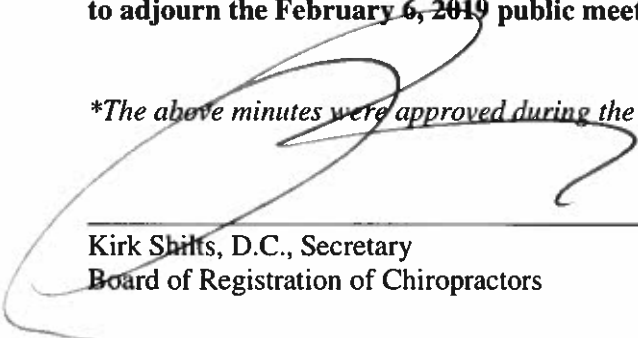
- Matthew Herba (FL); Julia DeSeta (PA); and Molly Casey (CT)

ADJOURNMENT

Dr. Dodes noted there were no more agenda items.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Fanselow and VOTED (unanimous);
to adjourn the February 6, 2019 public meeting at 1:20 p.m.

**The above minutes were approved during the open meeting of the Board held on March 5, 2020.*



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

Documents used by the Board during open session:

- *Proposed meeting agenda for 2/6/20*
- *Draft public meeting minutes from 12/5/19*
- *Clinical monitor letters dated 10/27/19 & 1/24/20 for case# CH-2016-111CH033-IT-ENF*
- *Proposed monitor applications for case# CH-2018-000164-IT-ENF*
- *Updated Policy Guideline on Continuing Education Courses, 2/6/20*
- *Policy Guideline on Dry Needle Myotherapy, 1/3/19*
- *Proposed Policy Statement on FAA Basic Medical Exams, 2/6/20*
- *Continuing education documentation for Dr. L. Kenney*
- *Email from B. Cotter dated 10/23/19*
- *Email from Atty. York to B. Cotter dated 12/9/19*

