

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

November 5, 2020 Public Meeting Minutes

NOVEMBER 5, 2020

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

Dr. Shilts noted a quorum of members present and called the meeting to order at 10:00 a.m.

MEMBERS PRESENT:

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

During meeting attendance, Mr. Lawless informed the Board that Dr. Martone has resigned from the Board.

STAFF PRESENT (at various times):

Richard Lawless, Board Executive Director
Deborah Cassano, Associate Executive Director
Peter Kelley, Esq., Board Legal Counsel
Ellen D'Agostino, Office of Investigations

CHAIRMAN'S MESSAGE

Dr. Shilts noted how long it takes to go from one meeting to another due to the different meeting logins. He asked all Board members to immediately access the next session information to have a faster transition between meeting sessions.

AGENDA

Dr. Shilts reviewed the draft agenda with the Board.
Dr. Shilts noted minor clarifications to the existing agenda.
Dr. Shilts asked Atty. Kelley for clarification on the need for an Executive Session for COVID compliance rather than the customary closed session. Atty. Kelley stated the Executive Session is to comply with the confidentiality provisions for investigatory materials that involve other state agencies.

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

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

Members opposed: none

CONFLICT OF INTEREST REMINDER

Atty. Kelley reviewed the Commonwealth's conflict of interest and open meeting requirements with the Board.

PUBLIC MEETING MINUTES

The Board discussed the draft public meeting minutes of October 1, 2020. Atty. Kelley said he had not had the opportunity to review the draft minutes.

Thereafter, a motion was made by Dr. Maddalo, seconded by Dr. Dodes and VOTED (roll call);
to table the review of the October 1, 2020 Public Minutes until the next meeting.

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

Members opposed: none

EXECUTIVE SESSION MINUTES

The Board discussed the draft Executive Session minutes of October 1, 2020. Atty. Kelley said he had not had the opportunity to review the draft minutes.

Thereafter, a motion was made by Dr. Maddalo, seconded by Ms. Bush and VOTED (roll call);
to table the review of the the Executive Session minutes of October 1, 2020 until the next meeting.

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

Members opposed: none

LEGAL REPORT:

Update on Proposed Chiropractic Regulations

The Board reviewed several letters from chiropractic colleges highlighting safe needle techniques for students.

- 9-23-2020 Letter from Palmer College of Chiropractic on safe needle techniques
- 10-9-2020 Letter from New York Chiropractic College on safe needle techniques
- 10-7-2020 Letter from Univ. of Western States on safe needle techniques

Atty. Kelley said these letters refer to wet needle techniques for venipuncture, and do not specifically address dry needling.

Dr. Shilts said that Massachusetts chiropractors are 'physicians', and accordingly are allowed to perform riskier procedures well-beyond simple dry needling for example venipuncture. He said he was asked by the Division to obtain documentation from chiropractic colleges about their curricula in instructing students on safe-needle techniques - which these letters represent. He said dry needle myotherapy is a legitimate, albeit not very elaborate, supportive procedure and not prohibited by our chiropractic statute. He added that the Division should post the Board's policy guideline on dry needle myotherapy on its website.

Dr. Dodes said the issue has unfortunately turned into a political battle due to other professions rather than the clinical reality for our profession. He said there seems to be a bias where chiropractors are being treated as therapists rather than physicians.

Dr. Freedman said the Board should move quickly on this issue where Massachusetts chiropractors are already providing this supportive procedure to the public.

Additional members reiterated their positions on dry needle myotherapy.

CHIROPRACTOR OF RECORD APPLICATION

2020-27-CH-CF Boston Orthopedic - Marci Seronick, D.C.

Dr. Dodes recused himself from the discussion and left the meeting.

Dr. Seronick appeared by phone during the Board's discussion of the Facility application including her position

as the Chiropractor of Record.

Thereafter, a motion was made by Dr. Freedman, seconded by Dr. Fanselow and VOTED (roll call); **to approve the proposed Chiropractor of Record for Boston Orthopedic and allow the application to continue with the application process.**

Members in favor: Maddalo, Bush, Fanselow, Freedman, and Shilts

Members opposed: none

Dr. Dodes rejoined the meeting.

DISCUSSION:

Chiropractic License Reinstatement Process

The Board discussed its current approach to reinstatement of expired licenses.

The Board gave direction to staff to develop a reinstatement application replicating the background questions on the initial chiropractic licensure application with any appropriate follow-up verifications.

Compliance and Clinical Monitoring Processes and Forms

The Board reviewed its monitoring guidance forms and process.

The Board gave direction to staff to standardize monitoring deadlines to facilitate Board review and to make sure that both the monitor and licensee receive the Board's monitoring guidance documentation. In addition, if monitors or licensees miss a deadline, they should receive a non-compliance letter.

Continuing Education Courses Policy Guideline

The Board discussed proposed revisions to its Policy Guideline on Continuing Education Courses to include U.S. licensing boards.

Thereafter, a motion was made by Dr. Maddalo, seconded by Ms. Bush and VOTED (roll call); **to approve the amendments to the CE Policy Guideline.**

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

Members opposed: none

Policy Guidance on 2021 Changes to CPT Evaluation & Management (E/M) Codes

The Board gave direction to staff to send a letter to the Mass. Chiropractic Society and other applicable stakeholders with the American Medical Association's description of the new E/M code changes.

Proposed Policy Guideline on Telehealth

The Board discussed the draft Policy Guideline on Telehealth. Dr. Shilts proposed an amendment related to documentation. Atty. Kelley will bring a revised policy to the next meeting.

CORRESPONDENCE:

- **9.28.20 email from FCLB RE: PACE provider revocation**

The Board will keep this letter on file.

- **10.28.20 email from the B. Cotter RE: massage services and displaying one's license**

The Board gave direction to staff to respond that chiropractors can advertise massage services, and that chiropractors must post their license at their practice location at all times.

- **9.22.20 Email from Mass. Chiropractic Society RE: license process times**
Mr. Lawless said he would be meeting with the Mass. Chiropractic Society on this issue.

OLD BUSINESS:

CE Credits for Reinstatement – Dr. Jaweed Naweed – 3289-CH-CH

The Board reviewed additional CE credits submitted by Dr. Naweed.

Thereafter, a motion was made by Dr. Freedman, seconded by Dr. Dodes and VOTED (roll call);
to accept the additional CE credits and to continue this application with the reinstatement process.

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

Members opposed: none

NEW BUSINESS:

None

PUBLIC COMMENT:

None

COMPLAINT DISCUSSION:

Massachusetts Department of Labor Standards (DLS) COVID-19 Compliance Investigation

A motion was made by Dr. Shilts, seconded by Dr. Freedman and VOTED (roll call);
to enter into Executive Session pursuant to G. L. c. 30A, § 21(a)(7) and the investigatory materials exemption pursuant to the public record law, G. L. c. 4, § 7, ¶ 26(f) to discuss protected investigatory materials at 12:40 p.m, and then to enter into Closed Session under M.G.L. c. 112, s. 65C for the purpose of discussing investigatory matters.

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

Members opposed: none

Dr. Shilts said the Board would not return to open meeting after this Closed Session.

NEW AND OPEN CASES:

During Closed Session the Board took the following actions:

- 2020-000634-IT-ENF Dismissed
- AIB Discussion Gave Direction to Staff

NEW LICENSEE INTERVIEWS

Prior to the meeting, the following candidates completed their new licentiate orientation/interview with Dr. Dodes:

- Tonya Dacko, Sarah Clapp Brian LoTiempo, and Steven Tambascio

ADJOURNMENT

The public meeting of September 3, 2020 adjourned at the conclusion of closed session at 2:18 p.m.

**The above minutes were approved during the open meeting of the Board held on January 7, 2021.*

Candace Maddalo, D.C.

Candace Maddalo, D.C. - Secretary
Board of Registration of Chiropractors

Documents used by the Board during open session:

- *Proposed meeting agenda for 11/5/2020*
- *Draft public meeting minutes from 10/1/2020*
- *Draft executive session minutes from 10/1/2020*
- *9-23-2020 Letter from Palmer College of Chiropractic on safe needle techniques*
- *10-9-2020 Letter from New York Chiropractic College on safe needle techniques*
- *10-7-2020 Letter from Univ. of Western States on safe needle techniques*
- *Chiropractic Facility Application for Boston Orthopedic*
- *Existing Compliance Monitoring Documents and Forms*
- *Updated Policy Guideline on Continuing Educational Courses*
- *Draft Policy Guideline on Telehealth Services*
- *9.28.20 email from FCLB on PACE provider revocation*
- *10.28.20 email from the B. Cotter on massage services*
- *9.22.20 Email from Mass. Chiropractic Society regarding license process times*
- *Continuing Education Credits for J. Naweed, D.C.*