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Board of Registration of Chiropractors
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PUBLIC MEETING MINUTES

FEBRUARY 4, 2021

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. Glen Dodes, Vice Chair
Dr. Candace Maddalo, Secretary
Ms. Barbara Bush, Public Member
Dr. Daniel Fanselow, Member
Dr. Gabriel Freedman, Member

STAFF PRESENT (at various times)

Matthew Keigan, Board Executive Director
Charles Kilb, Esq., Board Legal Counsel
Ellen D'Agostino, Office of Investigations
Allan VanTassel, Office of Investigations
Julie Brady, Esq., Office of Prosecutions

CHAIRMAN'S MESSAGE

Dr. Shilts informed the Board about a Texas Supreme Court decision that came down on 1/29/21. He said the case is a chiropractic scope of practice matter involving the Texas Medical Association (plaintiffs) and the Texas Chiropractic Board of Examiners (defendants). He said the court determined that the Texas Chiropractic Board has jurisdiction to codify chiropractic scope in their state where they are the statutory authority on the practice of chiropractic. The court rejected the Texas Medical Assoc. argument that every procedure performed by a chiropractor must be contained in statute. Dr. Shilts said this has a parallel to the dry needle myotherapy issue that we're presently discussing in Massachusetts.

AGENDA

Dr. Shilts reviewed the draft agenda with the Board. Dr. Shilts recommended adjusting the order of the topics.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Dodes 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

PUBLIC MEETING MINUTES

January 7, 2021

The Board reviewed the draft public meeting minutes of January 7, 2021. Dr. Shilts provided minor edits.

Thereafter, a motion was made by Dr. Shilts, seconded by Ms. Bush and VOTED (roll call);
to approve the public meeting minutes of January 7, 2021 as amended.

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

Members opposed: none

Dr. Maddalo abstained from voting

CONFLICT OF INTEREST & OPEN MEETING LAW REMINDER

Atty. Kilb gave a brief overview of the Commonwealth's Conflict of Interest and Open Meeting Laws. He discussed when a board member can or should recuse themselves.

Atty. Kilb also said that the Board should stick to the agenda unless there is something that was not anticipated by Chair. He said if a member of the public (attendee) wants to discuss something during the Public Comment period, this should be pushed to the next meeting where the Board can properly discuss the matter as an agenda item.

LEGAL REPORT

(moved to correspondence)

DISCUSSION

- **National Board of Chiropractic Examiners (NBCE) 2021 Annual Business Meeting**
Selection of 2021 Delegate & Alternate Delegate
- **Federation of Chiropractic Licensing Boards (FCLB) 2021 Annual Business Meeting**
Selection of 2021 Delegate & Alternate delegate

Dr. Shilts informed the Board that the NBCE and FCLB need Board members to represent Massachusetts for their upcoming business meetings. Dr. Shilts recommended Mr. Keigan serve the MA delegate to both organizations and that he serves as the alternate delegate.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Dodes and VOTED (roll call);
that Mr. Keigan serve as the 2021 delegate to the FCLB and to the NBCE, and that Dr. Shilts serve as the alternate delegate to each.

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

Members opposed: none

CORRESPONDENCE

- **2/2/21 from Lisa Prather, Esq.** in reply to Atty. Kilb's questions regarding a request to obtain a Chiropractic Facility license for her Texas chiropractic business.

Dr. Shilts said this company is outside of the boundary of Massachusetts; and therefore, it does not meet the standards of facility licensure in Massachusetts.

Thereafter, the Board gave direction to staff on drafting a response for Board review at its next meeting.

NEW BUSINESS

none

PUBLIC COMMENTS

none

REINSTATEMENT OF A SUSPENDED LICENSE

1297-CH-CH [SJ]

The Board prepared to go into Quasi-Judicial Session to discuss this matter.

Dr. Shilts said that when the Quasi-Judicial Session concludes, the Board will immediately go into Close Session to discuss New and Open Cases. He said today’s meeting will end after this Closed Session and that the Board will not return to Open Meeting.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Dodes and VOTED (roll call); **to enter into Quasi-Judicial Session at 11:14 a.m. per MGL c. 30A, sec. 18 to discuss reinstatement of a suspended chiropractic license.**

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

Members opposed: none

The reinstatement discussion was tabled at 11:23 a.m.

The Board entered into Closed Session at 11:24 a.m. per MGL c. 112 sec. 65C to discuss New and Open Cases

NEW & OPEN CASES

During Close Session the Board took the following actions:

- 2020-001040-IT-ENF Dismissed with Prejudice
- 2020-000268-IT-ENF Guidance given to prosecutor.
- 2020-000269-IT-ENF Guidance given to prosecutor
- 2020-000446-IT-ENF Tabled
- 2020-000230-IT-ENF Tabled
- 2020-001106-IT-ENF Tabled
- 2020-001107-IT-ENF Tabled
- 2020-001108-IT-ENF Tabled
- 2020-001163-IT-ENF Dismissed without prejudice
- 2020-001663-IT-ENF Dismissed with Prejudice

Dr. Fanselow left Closed Session

Dr. Maddalo left Closed Session just prior to voting on the below matter

- 2021-000019-IT-ENF Sent to Office of Prosecutions
- AIB Fraud Investigation Tabled

NEW LICENSEE ORIENTATION/ INTERVIEW

The following individuals participated in the Board’s New Licensee Orientation and Interview with Dr. Maddalo immediately before the start of the Public Meeting.

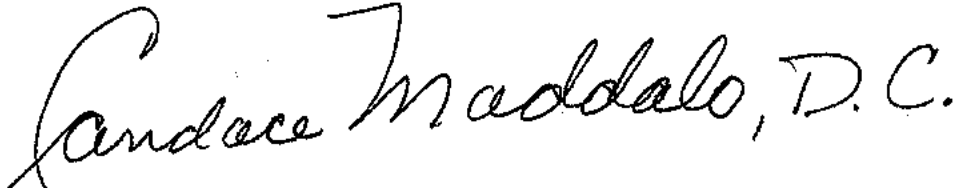
- Dr. Michael Chapman (CT)
- Dr. Cami Cleaveland (CT)
- Dr. Michael Ray (RI)
- Dr. Julio Cruz (MA)
- Dr. Allison Ailor (VT)
- Dr. Brain Matthew (MA)

- Dr. Andrew Goldberg (MA)
- Ryan Deighan (RI)
- Dr. Dawn Jewell (MI)

ADJOURNMENT

The public meeting of February, 2021 adjourned at the conclusion of Closed Session at 1:46 p.m.

**The above minutes were approved during the open meeting of the Board held on March 4, 2021*

A handwritten signature in black ink that reads "Candace Maddalo, D.C." The signature is written in a cursive, flowing style.

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

Documents used by the Board during open session:

- *Proposed meeting agenda 2/4/21*
- *Draft public meeting minutes from 1/7/21*
- *Email (1/8/21) from NBCE*
- *Email (2/2/21) from L. Prather*