

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

NOVEMBER 9, 2017

A regularly scheduled meeting of the Massachusetts Board of Registration of Chiropractors (the Board) was held in Room 1C, 1000 Washington Street, Boston, Massachusetts.

Dr. Shilts noted a quorum of members present, and the meeting was called to order at 10:12 a.m.

MEMBERS PRESENT:

Dr. Kirk Shilts, Chair
Dr. Glenn Dodes, Vice Chair
Dr. Scott Storozuk, Secretary
Ms. Barbara Bush, Public Member
Dr. Marsella Imonti, Member
Dr. Candace Maddalo, Member
Dr. Peter Martone, Member

STAFF PRESENT at Various Times:

Brian Bialas, Board Executive Director
Richard Lawless, Board Associate Executive Director
Sheila York, Esq., Board Legal Counsel
Ellen D'Agostino, Office of Investigations

CHAIRMAN'S MESSAGE:

Dr. Shilts took a moment to thank Dr. Maddalo for serving as Secretary last month in Dr. Storozuk's absence. He also spoke about observing the NBCE Part IV examination in St. Louis and how Dr. Imonti served as a test examiner in Port Orange, Florida. He encouraged other board members to get involved with the NBCE as an examiner or test preparation participant.

AGENDA:

Dr. Shilts reviewed the draft agenda with the Board. A discussion took place about removing the Chiropractor of Record interview on the agenda due to the candidate's withdrawal.

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

PAST MEETING MINUTES:

The Board reviewed the draft meeting minutes of October 5, 2017. Dr. Shilts proposed changes to the minutes.

Thereafter, a Motion was made by Dr. Dodes, seconded by Dr. Maddalo and VOTED (unanimous, with Dr. Storozuk abstaining);
to approve the public meeting minutes of October 5, 2017 as amended.

MEETINGS SCHEDULING:

A brief discussion took place about the Board's offsite meeting scheduled for April 5, 2018 at 50 Maple Street

in Milford, MA.

OPEN CASES:

The Board prepared to discuss investigative matters.

Thereafter, a Motion was made by Dr. Martone, seconded by Dr. Maddalo and VOTED (unanimous); **to suspend the open meeting at 10:28 a.m. pursuant to MGL c. 112, § 65C and enter into closed investigative conference to discuss cases and investigative matters for approximately one half hour.**

Open session resumed at 11:59 a.m.

Report of actions taken during closed session:

- **2017-000482-IT-ENF [MC]** Sent to the Office of Prosecutions.
- **2017-000491-IT-ENF [DK]** Board gave direction to staff. Dr. Storozuk recused himself and left the room during discussion of this matter.
- **2017-001218-IT-ENF [TP]** Sent to the Office of Prosecutions.
- **2017-001245-IT-ENF [JG]** Sent to the Office of Prosecutions.

LEGAL REPORT:

Atty. York discussed the following matters with the Board.

- **Patient Record Regulations:**

A discussion took place on amending regulations 233 CMR 4.05 and 233 CMR 5.02(7) for consistency and clarification. Atty. York presented a redline version of draft amendments to those sections.

Thereafter, a motion was made by Dr. Dodes, seconded by Dr. Martone, and VOTED (unanimous); **to accept the proposed language as draft amendments to regulations 233 CMR 4.05 and 233 CMR 5.02(7).** Atty. York will begin the regulation promulgation process.

- **Ethics Forms:**

Atty. York informed the Board of the various state ethics forms and the processes involved regarding conflicts of interest and receipt of financial compensation for travel expenses. Forms discussed were G.L. c. 268A, s. 23(b)(3) and 930 CMR 5.08(2)(d)1.

- **Discussions on reciprocity were postponed until later in the meeting.**

LICENSE REINSTATEMENTS:

The Board reviewed the following requests for reinstatement:

- **Dr. Darlene Flores:**

72 hours of CE credits were needed for reinstatement. The Board reviewed the CE credits submitted by Dr. Flores.

Thereafter, a Motion was made by Dr. Imonti, seconded by Dr. Dodes, and VOTED (unanimous); **to accept the submitted 72 hours of CE credits and allow Dr. Flores to move forward with reinstatement of her Massachusetts license.**

- **Dr. Nathan Cintron:**

72 hours of CE credits were needed for reinstatement. The Board reviewed the CE credits submitted by Dr. Cintron.

Thereafter, a Motion was made by Dr. Martone, seconded by Dr. Dodes, and VOTED (unanimous); **to accept the submitted 72 hours of CE credits and allow Dr. Cintron to move forward with reinstatement of his Massachusetts license.**

GENERAL DISCUSSION:

The Board discussed the following topics:

- **Continuing Education Guidelines:**

The Board discussed a continuing education policy guideline for licensees.

Thereafter, a Motion was made by Dr. Maddalo, seconded by Dr. Martone, and VOTED (unanimous); **to post an amended version of the proposed draft Continuing Education Guidelines Policy on the Board of Chiropractors website for a 60-day public comment period.**

Dr. Dodes left the meeting at 1:29pm.

- **Reciprocity:**

After a discussion, it was decided that the Board should review Chapter 112, Section 92 of Massachusetts General Law and the policy process for reciprocity, and continue handling reciprocity applications on a case-by-case basis.

RECIPROCITY APPLICATION:

- **Dr. John Vasko:**

Atty. York discussed the application of Dr. Vasko for reciprocity. Dr. Vasko holds a current license in New Mexico with an issue date of 2001. The Board reviewed whether Dr. Vasko met the statutory and regulatory requirements for reciprocity in Massachusetts. The Board noted that in 2001 Massachusetts required parts III and IV of the national boards. After Board discussion, it was decided that Dr. Vasko was not eligible for licensure through his reciprocity application.

Thereafter, a Motion was made by Dr. Storozuk, seconded by Dr. Maddalo, and VOTED (unanimous); **to deny reciprocity to Dr. John Vasko.**

GENERAL DISCUSSION (continued):

The Board continued discussion of the following topics:

- **Monitoring Report Process:**

The Board discussed whether to no longer have a designated member present recommendations on monitoring reports and to allow any member to recommend approval of monitoring reports.

Thereafter, a Motion was made by Dr. Shilts, seconded by Dr. Maddalo, and VOTED (unanimous); **to no longer have a designated member present recommendations on monitoring reports.**

- **Monitoring Question Revisions**

A Motion was made by Dr. Shilts, seconded by Dr. Maddalo, and VOTED (unanimous); **to table this discussion item to a future meeting.**

CASE MONITORING:

The Board prepared to discuss case monitoring reports.

- **19970714CH003-IT-ENF [EO]** – The Board prepared to have a discussion of medical records.

Thereafter, a Motion was made by Dr. Shilts, seconded by Dr. Maddalo,
to suspend the open meeting and enter into Executive Session at 1:42 p.m. pursuant to MGL Ch. 30A, Sec. 21(a)(7) to comply with the Board's authority to keep medical records confidential under MGL Ch. 4, Sec. 7, Para. 26(c) and MGL Ch. 214, Sec. 1B.

Members in favor: Dr. Shilts, Dr. Storozuk, Dr. Maddalo, Dr. Imonti, Dr. Martone, and Ms. Bush.
Members opposed: none

The Chair estimated that the public session would resume in two minutes.

Open session resumed at 1:44 p.m.

The Board discussed the following case monitoring report:

- **20151116CH027-IT-ENF [PD]**, 4th Quarterly Monitoring Report Corrections Letter

Thereafter, a Motion was made by Dr. Maddalo, seconded by Dr. Martone, and VOTED (unanimous);
to accept the 4th Quarterly Monitoring Report Corrections Letter dated 10/30/17.

ADJOURNMENT:

Dr. Shilts noted there were no more agenda items.

Thereafter, a Motion was made by Dr. Maddalo, seconded by Ms. Bush, and VOTED (unanimous);
to adjourn the November 9, 2017 public meeting at 1:46 p.m.

*The above minutes were approved during the open meeting of the Board held on December 7, 2017.



Brian Bialas, Executive Director
Board of Registration of Chiropractors

Documents used by the Board during open session:

- *Meeting Agenda for 11/9/17*
- *Draft minutes of the 10/5/17 public meeting*
- *Draft of proposed patient record regulations*
- *Ethics Forms G.L. c. 268A, s. 23(b)(3) and 930 CMR 5.08(2)(d)1*
- *20151116CH027-IT-ENF [PD], 4th Quarterly Monitoring Report Corrections Letter*
- *Draft of Continuing Education Guidelines Policy from Kirk Shilts, D.C.*
- *Draft of Continuing Education Guidelines Policy from Brian Bialas*
- *Application for Licensure Through Reciprocity from John Vasko, D.C., redacted*
- *Reciprocity Requirement for Massachusetts Form*
- *Minutes of the 2/4/16 public meeting*