

**Commonwealth of Massachusetts**  
**Department of Public Health**  
**Board of Registration of Chiropractors**  
250 Washington Street  
Boston, MA 02108

**Public Meeting Minutes**

**October 13, 2022**

A public meeting of the Massachusetts Board of Registration of Chiropractors (the Board) was held remotely with video and audio conference as an alternate means of public access pursuant to Chapter 107 of the Acts of 2022, An Act Relative to Extending Certain State of Emergency Accommodations, signed into law on July 16, 2022.

Dr. Jolly noted a quorum of members present via video or phone and called the meeting to order at 10:05 a.m.

**MEMBERS PRESENT**

Dr. Sunit Jolly, Chair  
Dr. Joseph Grosso, Vice Chair  
Dr. Jaclyn Debs, Secretary  
Ms. Barbara Bush, Public Member  
Dr. Kathleen O'Malley, Member  
Dr. Abbey Denaro, Member  
Dr. Mary Connors, Member

**STAFF PRESENT (at various times)**

Lisa Guglietta, Board Executive Director  
Eboni Lewis, Board Associate Executive Director  
Sheila York, Esq., Board Counsel  
Ellen D'Agostino, BHPL Office of Investigations  
Lauren McShane, BHPL Investigative Supervisor

**ATTENDANCE:**

Dr. Jolly took attendance by roll call and a quorum of board members was recorded with the following members present via video conference: *Jolly, Debs, Bush, Grosso, O'Malley, Denaro, Connors.*

**APPROVAL OF AGENDA:**

A motion was made by Dr. O'Malley to approve the agenda as presented, seconded by Dr. Debs and VOTED (roll call);

**To approve the October 13, 2022 agenda.**

*in-favor: Jolly, Debs, Bush, Grosso, O'Malley, Denaro, Connors*

*opposed: none*

**CONFLICT OF INTEREST and OPEN MEETING REQUIREMENTS**

Atty. York reviewed Conflict of Interest and Open Meeting Law requirements with the Board. Members should contact Atty. York with questions about possible conflicts with applicants, petitioners, or cases before the Board. Please bring these matters to Atty. York's attention before the meeting if possible.

### **PUBLIC MEETING MINUTES**

The Board discussed the draft public meeting minutes of 09/01/22.

Thereafter, a motion was made by Dr. Grosso, seconded by Dr. O'Malley and VOTED (roll call);  
**to approve the public meeting minutes of September 1, 2022.**

*in-favor: Jolly, Debs, Bush, Grosso, O'Malley, Denaro, Connors*

*opposed: none*

### **EXECUTIVE DIRECTOR REPORT**

Ms. Guglietta asked Board members to check their mass.gov emails. She asked about any issues or concerns with communication via this system. No concerns were expressed. The Department of Public Health (DPH) records board meetings. Today's meeting is not recorded. The Board will change from using Microsoft Teams to Webex for meetings. PACE will send emails to Board members on required DPH trainings.

### **DISCUSSION**

#### **Request for advisory opinion from Mark Davini, D.C.**

The Board reviewed a Request for advisory opinion submitted by Mark Davini, D.C. asking whether the Board considers Manual Therapy Techniques, Massage and Neuromuscular Reeducation synonymous, similar, or overlapping to the Primary Chiropractic Procedure to such a degree that performing one is the equivalent of performing the other?

Attorney York presented a draft response based on the regulations for Board review: "No, the Primary Chiropractic Procedure is separate and distinct from supplemental therapies such as manual therapy techniques, massage, and neuromuscular reeducation. The Board does not consider the performance of one or more of those supplemental therapies to be equivalent to the performance of the Primary Chiropractic procedure. The Primary Chiropractic Procedure is defined in 233 CMR 2.01: Definitions." The Board discussed the question, agreed with the draft response, and did not have any edits to the response.

A motion was made by Dr. Debs, seconded by Dr. Denaro and VOTED (roll call);

**To answer the question – "NO" and send the response as presented,**

*in-favor: Jolly, Debs, Bush, Grosso, O'Malley, Denaro, Connors*

*opposed: none*

#### **DPH Transition Questions**

Atty. York received notice that the position she had with DOL was transferred to DPH and she will continue to serve as Board Counsel.

### **COMPLIANCE MONITORING**

The Initial Monitoring Report was submitted for Dr. Kevin Harrington (CHI2166).

A motion was made by Dr. O'Malley, seconded by Dr. Grosso and VOTED (roll call);

**To accept the initial monitoring report of Dr. Harrington.**

*in-favor: Jolly, Debs, Bush, Grosso, O'Malley, Denaro, Connors*

*opposed: none*

### **REINSTATEMENT APPLICATION**

Jack Holt CHI987 requested reactivation of his license which expired on 03/31/2021.

A motion was made by Dr. Grosso, seconded by Dr. Debs and VOTED (roll call);

**To accept the reinstatement application of Dr. Holt.**

*in-favor: Jolly, Debs, Bush, Grosso, O'Malley, Denaro, Connors*

*opposed: none*

### **NEW BUSINESS**

*None*

### **PUBLIC COMMENT**

Tracey Lane from the Massachusetts Chiropractic Society (MCS) asked how MCS could help with the transition of the Board to DPH and specifically how she could help inform licensed chiropractors about the change from DOL to DPH. Ms. Guglietta suggested letting them know about the new licensing system. A new account will need to be created and licensees will need to link their licenses to their DPH accounts. Facility licenses need to be renewed by Oct 31<sup>st</sup>. Renewal notices for 2022 went out in the mail, but future renewal reminders will be sent by email.

Dr. Jolly brought up the point that patients are confused on the new CDC mask requirement and what the current masking policy is for chiropractic offices. The chiropractors in the state must follow DPH guidelines for health care practices. These guidelines are posted on DPH's website. Attorney York will update the Board on DPH's current mask requirements for certain health care settings at the November meeting.

### **CLOSED SESSION**

At 10:33 a.m. a motion was made by Atty York **to end the public session and go into Closed Session per G.L. c. 112, § 65C for the purpose of reviewing cases in investigative conference**, seconded by Dr. Debs and VOTED (roll call). The motion passed as follows:

*In favor: Jolly, Debs, Bush, Grosso, O'Malley, Denaro, Connors*

*Opposed: none*

*The Chair announced that public session would not resume after the closed sessions.*

### **NEW AND OPEN CASES**

The Board took the following actions during closed session:

#### **Investigative Case Conference: [Closed Session: G.L. c. 112, § 65C]**

- 2022-000542-IT-ENF Sent to prosecution
- 2022-000545-IT-ENF Dismissed without prejudice
- 2022-000551-IT-ENF Dismissed without prejudice
- 2022-000569-IT-ENF Dismissed without prejudice
- 2021-000330-IT-ENF Request to re-open case denied

### **ADJOURNMENT**

The meeting adjourned at the conclusion of closed session at 11:18.

Respectfully submitted,

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Jaclyn Debs, D.C., Secretary  
Board of Registration of Chiropractors

**Documents used by the Board during open session:**

- *Posted agenda 10/13/22*
- *Draft public meeting minutes of 9/1/22*
- *Advisory Opinion Request from Mark Davini, D.C.*
- *Dr. Kevin Harrington Initial Monitoring Report*
- *Dr. Jack Holt Reinstatement application*