

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

Public Meeting Minutes

OCTOBER 7, 2021

A public meeting of the Massachusetts Board of Registration of Chiropractors (the Board) was held remotely with phone conference as an alternate means of public access pursuant to Massachusetts General Law enacted on June 16, 2021 suspending certain provisions of the Open Meeting Law.

Dr. Fanselow noted a quorum of members present via video or phone and called the meeting to order at 10:16 a.m.

MEMBERS PRESENT

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

Dr. Glenn Dodes was absent.

STAFF PRESENT (at various times)

Matthew Keigan, Board Executive Director
Eboni Lewis, Assistant Board Executive Director
Charles Kilb, Esq., Board Legal Counsel
Lisa Guglietta, Division of Occupational Licensure (DOL)
Sheila York, Esq., DOL
Ester Laine, DOL
Alan VanTassel, Office of Investigations
Clinton Dick, Esq, DOL General Counsel

CHAIRMAN'S MESSAGE

none

AGENDA

The Board reviewed the posted agenda.

Thereafter, a motion was made by Dr. Shilts seconded by Dr. Maddalo and VOTED (roll call);
to set the meeting's agenda as posted.

in-favor: Shilts, Bush, Freedman, Maddalo and Fanselow
opposed: none

PUBLIC MEETING MINUTES

The Board discussed the draft public meeting minutes of 9/2/21.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Maddalo and VOTED (roll call);
to approve the public meeting minutes of September 2, 2021 as drafted.
in-favor: Shilts, Bush, Freedman, Maddalo and Fanselow
opposed: none

LEGAL REPORT

Atty. Kilb reported that the Board has new legal counsel, Atty. Sheila York.

EXECUTIVE DIRECTOR REPORT

Mr. Keigan reported that the Board has a new Executive Director, Lisa Guglietta, and a new Assistant Executive Director, Eboni Lewis.

DIVISION OF OCCUPATIONAL LICENSURE, DIVISION COUNSEL

Atty. Dick presented before the Board to answer questions about the Board's current status within the DOL and impending move over to the Department of Public Health (DPH).

- **Applicant Background Checks**

In response to a question, Atty. Dick said an audit of DOL's processes showed that all applicants for personal or facility chiropractic licensure have undergone both a CORI and SORI background check. He said a recent news article misconstrued a missing sign-off step as a non-performed background check, which is inaccurate.

- **Health Care Fraud Unit Funding**

In response to a question, Atty. Dick said he expects the Health Care Fraud Unit to follow the Boards of Chiropractors and Allied Health over to the DPH. He said he will relay the Board's concern that the Unit's dedicated funding to help combat health care fraud in the Automobile PIP insurance market remain as it was statutorily intended.

- **Board Policy Guideline on Dry Needle Myotherapy**

In response to a question, Atty. Dick did not know why the DOL does not have the Board's Policy Guideline on Dry Needle Myotherapy posted on its website. He said he will follow-up on the Board's concern that neglecting to post this important guideline may heighten the risk to consumers by hindering important information needed by our Commonwealth's practicing chiropractic physicians.

COMPLIANCE MONITORING

- **2019-001379-IT-ENF**

Dr. Freedman recused herself from this matter

The Board reviewed a 7/20/21 monitor report. Dr. Shilts said the licensee must still submit a proper response letter in reply to the monitor's findings.

Thereafter, a motion was made by Dr. Maddalo, seconded by Ms. Bush and VOTED (roll call);
to accept the 7/20/21 monitor report and remind the licensee of a required action response letter.

in-favor: Shilts, Bush, Maddalo and Fanselow
opposed: none
absent: Freedman

- **2019-000027-IT-ENF**

The Board reviewed a 9/24/21 compliance report.

Thereafter, a motion was made by Dr. Maddalo, seconded by Dr. Freedman and VOTED (roll call);

to accept the 9/24/21 compliance report.

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

opposed: none

CORRESPONDENCE

none

PUBLIC COMMENT

none offered

NEW AND OPEN CASES

Dr. Fanselow said the Board would be going into closed session to discuss new and open cases, and not return to open session.

Thereafter, a motion was made by Dr. Freedman, seconded by Dr. Maddalo and VOTED (roll call);

to close the open meeting at 10:35 a.m. per MGL ch. 112, sec. 65C to discuss new and open cases.

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

opposed: none

During closed session the Board took the following actions:

- AIB Fraud Investigation Provided Comments to Staff
- 2021-000640-IT-ENF Sent to Office of Prosecutions
- 2021-000474-IT-ENF Tabled
- 2021-000409-IT-ENF Sent to Office of Prosecutions
- 2021-000781-IT-ENF Dismissed without Prejudice

NEW LICENSEE INTERVIEWS

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

- Dr. Zachary Roth (TX)
- Dr. Carolyn Oliveira (NJ)
- Dr. Timothy Bryan (CT)
- Dr. Kelly Makela (CA)
- Dr. Dan Chowaniec (CT)
- Emma Berntheizel (NY)
- Ian Giuttari (RI)

ADJOURNMENT

The public meeting adjourned at the conclusion of closed session at 11:30 p.m.

Respectfully submitted,

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

Documents used by the Board during open session:

- *Posted agenda*

- *Draft public meeting minutes of 9/2/21*
- *Monitor Report, 7/20/21 (patient data, if any, redacted)*
- *Compliance Report, 9/24/21 (patient data, if any, redacted)*

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