

**Commonwealth of Massachusetts
Bureau of Health Professions Licensure
Board of Registration of Chiropractors
250 Washington Street
Boston, MA 02108**

Public Meeting Minutes

January 4, 2024

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. Grosso noted a quorum of members present via video or phone and called the meeting to order at 10:02 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Dr. Sunit Jolly, Member

STAFF PRESENT

Lisa Guglietta, Board Executive Director
Sheila York, Esq., Board Counsel

ATTENDANCE:

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

Ms. Guglietta asked the public to mute their microphones and reminded the attendees that the meeting was being recorded.

APPROVAL OF AGENDA:

Dr. Grosso asked for a motion to approve the meeting agenda. Thereafter a motion was made by Dr. Debs **to approve the January 4, 2024 agenda**, seconded by Barbara Bush and VOTED (roll call);

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

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 12/7/23.

Thereafter, a motion was made by Dr. O'Malley, seconded by Dr. Denaro and VOTED (roll call); **to approve the public meeting minutes of December 7, 2023 as drafted.**

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

opposed: none

COMPLIANCE MONITORING

Swiatoslaw A. Paduchak - Docket No. 2020-000985-IT-ENF

Swiatoslaw A. Paduchak, D.C. missed the deadline for submitting a Corrective Action Report to the Board following his receipt of the first Compliance Monitoring Report from his auditor. The Board discussed that Dr. Paduchak had previously been late providing a list of potential monitors to the Board.

Thereafter, a motion was made by Dr. Debs, seconded by Dr. O'Malley and VOTED (roll call); **to give Board staff direction to send a Notice of Violation with Opportunity to Cure to Dr. Paduchak.**

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

opposed: none

DISCUSSION

Scope of Practice Question from Diane Sofia, D.C.

The board discussed the 12/5/23 email from Diane Sofia, D.C. regarding whether the use of Stemwave was within the scope of practice for licensed chiropractors in MA. Dr. Grosso stated that Stemwave is FDA approved and can assist in reducing inflammation and fibrotic adhesions. Board staff was directed to respond back to Dr. Sofia that the use of Stemwave was within the scope of chiropractic in MA provided the treatment was within the regulations.

Regulation Review Process

The Board is considering making additions to the 2019 Proposed Regulation Changes. Dr. Grosso started the discussion with possible additions to the Continuing Education Regulations **233 CMR 3.03(1) c.** Dr. Grosso proposed that in addition to matters of clinical proficiency, philosophy and ethics, Massachusetts jurisprudence, and the human and biological sciences, the subject matter of continuing education courses or programs be expanded to include coding, compliance plans, and billing. The Board discussed the idea of making a change which would allow licensees to complete a certain number of the 12 required continuing education hours in these areas.

Dr. Grosso also suggested changes to **233 CMR 4.05(1) f.** under Chiropractic Record-keeping with regard to informed consent. It was noted that a signed informed consent document is not

required under the regulations. The Board discussed that a signed informed consent form was in the best interest of both doctor and patient.

Also in the area of record-keeping, the Board will continue to discuss making a change to the regulations around Progress Notes format. The Board prefers the use of SOAP notes over Data Assessment and Plan (DAP) format under **233 CMR 4.05(1) g.** and recommends making SOAP the required format for progress notes.

Attorney York mentioned the possibility of a “listening session” during which members of the profession could provide feedback about the proposed changes prior to the Board taking a vote on the draft changes. The Board will continue its discussion around regulations changes at the February 2024 meeting.

NEW BUSINESS

None.

PUBLIC COMMENT

Tracey Lane from the MA Chiropractic Society provided information about the opioid settlement in Massachusetts. The state received millions of dollars for opioid awareness. Chiropractors could receive funds for treatment around opioids. Ms. Lane encouraged chiropractors to find out about funding in their towns. She also informed the Board that Maine had recently passed a preceptorship program and there was a current bill to allow chiropractic preceptorships in Massachusetts. Ms. Lane stated that the high cost of living and lack of preceptorships in the state contribute to chiropractic students choosing to practice elsewhere. Ms. Lane also spoke about other states such as Maine and Texas increasing their continuing education hours requirement and requiring a certain number of hours for such areas as billing, coding, and health care.

Attorney Jennifer Herlihy commented about her experience with informed consent from a legal standpoint. She expressed that there was value in a signed informed consent which is reviewed and initialed by both patient and doctor. The current regulations which do not require a signed informed consent form do not reflect the current national trend. Attorney Herlihy was in favor of a listening session for the profession to provide input on any proposed regulation changes. She suggested that if any changes are made it would be helpful for licensed professionals to be notified via an email blast. Emails are required in the new DPH e-licensing system and this may be a possibility in the future.

ADJOURNMENT

At 11:08 a.m. a motion was made by Dr. O'Malley, seconded by Dr. Debs and VOTED (roll call); **to end the public meeting.**

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

opposed: none

Respectfully submitted,

Mary M. Connors, D.C., Secretary
Board of Registration of Chiropractors

Documents used by the Board during open session:

- *Posted agenda 01/04/2024*
- *Draft public meeting minutes of 12/07/2023*
- *Email from Diane Sofia, D.C*
- *Monitoring Report and Board's Final Decision and Order for Swiatoslaw Alexander Paduchak, D.C.*
- *Policy: Delegation of Authority for Staff Actions Relative to Monitoring Licensure Conditions*
- *2019 Proposed Regulation Changes*