

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

Public Meeting Minutes

February 1, 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 10:07 a.m.

MEMBERS PRESENT

Dr. Joseph Grosso, Chair
Dr. Jaclyn Debs, Vice Chair
Dr. Mary Connors, Secretary
Dr. Sunit Jolly, Member
Ms. Barbara Bush, Public Member

MEMBERS ABSENT

Dr. Kathleen O'Malley, Member
Dr. Abbey Denaro, Member

STAFF PRESENT

Lisa Guglietta, Board Executive Director
Katie Goldrick, Board Associate 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, Bush, Connors, Jolly*
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. Jolly, seconded by Dr. Debs and VOTED (roll call); **to approve the February 1, 2024 agenda**

in-favor: Debs, Connors, Bush, Grosso, Jolly

opposed: none

CONFLICT OF INTEREST AND OPEN MEETING LAW 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 1/4/24.

Thereafter, a motion was made by Dr. Debs, seconded by Barbara Bush and VOTED (roll call); **to approve the public meeting minutes of January 4, 2024 as drafted.**

in-favor: Bush, Connors, Debs, Grosso

opposed: none

abstain: Jolly

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. Dr. Paduchak received a Notice of Violation with Opportunity to Cure by certified mail in January. The Board has not received a corrective action report. The Board discussed sending Dr. Paduchak a notice of violation with the intention of revoking his license if he does not come into compliance.

Thereafter a motion was made by Dr. Jolly, seconded by Dr. Debs and VOTED (roll call); **to have Board staff send Dr. Paduchak a Notice of Violation and Intent to Revoke.**

in-favor: Bush, Connors, Debs, Jolly, Grosso

opposed: none

DISCUSSION

Scope of Practice Question from Suzanne Gosselin, D.C.

The Board discussed Dr. Gosselin's email dated 1/8/24 regarding whether using Echolight REMS technology was within the scope of chiropractic practice in Massachusetts. Dr. Grosso noted that it is acceptable as a diagnostic screening tool used to check bone density.

Thereafter the Board directed staff to respond to Dr. Gosselin that the use of Echolight is within the scope of chiropractic provided there is clinical rationale and the regulations are followed.

Request for License Reactivation from William Adams, D.C.

The Board discussed Dr. Adams' email dated 1/23/24 in which he requested a waiver of the regulatory requirements for his reinstatement application. Dr. Adams' license CHI1136 expired on 3/31/1997. The Board is unable to waive regulatory requirements.

Thereafter a motion was made by Dr. Jolly, seconded by Dr. Connors and VOTED (roll call); **to deny the request to waive the regulatory requirements for the reinstatement application and keep the application open for one year from the date the Board first reviewed the application.**

in-favor: Bush, Connors, Debs, Jolly, Grosso

opposed: none

REGULATION REVIEW PROCESS

Dr. Grosso started the Board's discussion of proposed additions to the 2019 Proposed Regulation Changes by presenting a draft of his proposed language changes.

Dr. Grosso's proposed change to Continuing Education in 233 CMR 3.03(1)(c) is adding compliance and coding as subject matters for a continuing education course or program. It was noted that chiropractor facilities need compliance plans. Dr. Jolly commented that compliance is associated with the safety of patients. Solo practitioners learning more about compliance would benefit their patients. The Board discussed billing and coding as it relates to diagnosis. Attorney York noted that 233 CMR 3.03(2) states that courses devoted to economic aspects of practice shall not be approved for continuing education credit. The proposed changes to this language would need to indicate that coding and billing were excluded. Attorney York suggested that the Board may also want to make changes to the Board Policy Guideline on Continuing Education under Unacceptable Course Subject Matter to make exceptions for billing and coding. The Board agreed to edit the Continuing Education policy at the March meeting.

Dr. Grosso stated that after clarification of the regulation language by Attorney York he retracted his proposed change to remove "or another jurisdiction" in Peer Review 233 CMR 4.17(1)(b). The regulation states that a chiropractor shall have a minimum of four years verifiable experience as a chiropractor licensed in the Commonwealth or another jurisdiction.

Dr. Grosso's proposed change to Informed Consent in 233 CMR 4.05 (f)(4) is that the patient, after assessment, having decided to accept the procedure or care, shall sign an Informed Consent waiver stating that they understand the material risks to those procedures prior to treatment. The current language does not require a signed Informed Consent. The Board discussed the proposed change. Dr. Jolly noted her concern about making the language too narrow. The frequency of obtaining a signed Informed Consent was discussed including whether it would be re-signed every year or signed for each episode of care. Attorney York suggested the Board research Informed Consent in other states and that perhaps a national association such as the Federation of Chiropractic Licensing Boards would have model language. The Board agreed to review and edit its Informed Consent policy at the April meeting.

NEW BUSINESS

None

PUBLIC COMMENT

None

CLOSED SESSION

At 11:10 a.m. the Chair requested a motion to end the public session and go into closed session.

Thereafter, a motion was made by Dr. Jolly, seconded by Dr. Debs and VOTED (roll call); **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.** The motion passed as follows:

in-favor: Connors, Jolly, Bush, Grosso, Debs

opposed: none

NEW AND OPEN CASES

The Board took the following actions during closed session:

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

- *Docket Number CHR-2023-0004 – Dismissed Without Prejudice*

ADJOURNMENT

At 11:26 a.m. a motion was made by Dr. Jolly, seconded by Dr. Debs and VOTED (roll call); to end the closed session.

in-favor: Connors, Jolly, Bush, Grosso, Debs

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 02/01/2024*
- *Draft public meeting minutes of 01/04/2024*
- *Monitoring Report, Board's Final Decision and Order, and Notice of Violation and Opportunity to Cure letter dated 1/5/24 for Swiatoslaw Alexander Paduchak, D.C.*
- *Email from Suzanne Gosselin, D.C*
- *Email from William Adams, D.C.*
- *2019 Proposed Regulation Changes*
- *Proposed Regulation Language Changes by Joseph Grosso, D.C.*