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**Commonwealth of Massachusetts**  
**Division of Professional Licensure**  
**Board of Registration of Chiropractors**  
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REGULATION

**LAYLA R. D'EMILIA**  
COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

Public Meeting Minutes

**MARCH 4, 2021**

A posted public meeting of the Massachusetts Board of Registration of Chiropractors (the Board) was held remotely by telephone or by videoconference as an alternate means of public access pursuant to an Executive Order issued by the Governor of Massachusetts dated March 12, 2020 suspending certain provisions of the open meeting law.

Dr. Shilts noted a quorum of members present and called the meeting to order at 10:07 a.m.

**MEMBERS PRESENT**

Dr. Kirk Shilts, Chair

Dr. Glenn Dodes, Vice Chair

Ms. Barbara Bush, Public Member

Dr. Daniel Fanselow, Member

Dr. Gabrielle Freedman, Member

Dr. Candace Maddalo was absent from the meeting

**STAFF PRESENT (at various times)**

Matthew Keigan, Board Executive Director

Charles Kilb, Esq., Board Legal Counsel

Ellen D'Agostino, Office of Investigations

Allan VanTassel, Office of Investigations

James Read, Esq., Office of Prosecutions

Lauren Shapiro, DPL Intern

**CHAIRMAN'S MESSAGE**

Dr. Shilts said as the state recovers from the COVID-19 pandemic and progresses with its vaccination roll-out, it's important for chiropractors to explain to their patients the basics and importance of public health.

**AGENDA**

Dr. Shilts reviewed the draft agenda with the Board. Dr. Shilts said there will be a discussion of Board delegation of authority to the Executive Director under New Business.

Thereafter, a motion was made by Dr. Dodes, seconded by Dr. Fanselow and VOTED (roll call);  
**to approve the meeting's agenda as amended.**

*Members in favor: Dodes, Bush, Fanselow, Freedman, and Shilts*

*Members opposed: none*

**CONFLICT OF INTEREST/OPEN MEETING LAW REMINDER**

Atty. Kilb gave a brief overview of the Commonwealth's Conflict of Interest and Open Meets Laws as well as the recusal process.

## **PUBLIC MEETING MINUTES**

**February 4, 2021**

The Board reviewed the draft public meeting minutes of 2/4/21. Mr. Keigan mentioned some spelling errors.

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

**to approve the public meeting minutes of February 4, 2021 as amended.**

*Members in favor: Dodes, Bush, Fanselow, Freedman, and Shilts*

*Members opposed: none*

## **LEGAL REPORT**

Atty. Kilb reviewed a draft letter to Atty. L. Prather regarding her request to obtain a Facility license for her Texas chiropractic business.

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

**to send the Board's response declining Facility licensure as drafted.**

*Members in favor: Dodes, Bush, Fanselow, Freedman, and Shilts*

*Members opposed: none*

## **DISCUSSION**

- **Overview of DPL Office of Prosecutions**

Atty. Reid, DPL chief prosecutor, explained the roles the Office of Prosecutions serves for the agency. He covered a spectrum from handling consent agreements, prosecutions, expert witnesses, formal hearings, appeals and the Board's interplay with each.

- **Good Moral Character (GMC)/ Criminal Offender Record Information (CORI) Policy**

Mr. Keigan reviewed an updated GMC/CORI policy with the Board. Dr. Shilts said the Board passed a similar less extensive policy in 2019.

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

**to adopt the updated GMC/CORI policy as drafted.**

*Members in favor: Dodes, Bush, Fanselow, Freedman, and Shilts*

*Members opposed: none*

## **LICENSE REINSTATEMENT REQUEST**

**Dr. Seth Levine**

The Board reviewed Dr. Levine's application for reinstatement of an expired license of three years. Dr. Shilts noted the applicant submitted 65.5 hours of CE credit hours.

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

**to accept the adequate number of CE credit hours for reinstatement and allow the application to continue in the application process.**

*Members in favor: Dodes, Bush, Fanselow, Freedman, and Shilts*

*Members opposed: none*

## **CORRESPONDENCE**

- none

## **NEW BUSINESS**

*Matters not reasonably anticipated by the chair 48 hours prior to the meeting*

### **Delegation of Authority to Staff**

Dr. Shilts said that this matter was not on the posted agenda, but in light of the other delegations taken by the Board, it would be useful for the Board to clarify what staff may do for the Board between meetings. Staff provided three general statements regarding delegations for the Board to consider. Dr. Shilts noted that the Board passed similar but less extensively worded provisions in 2006. Atty. Kilb said that as this topic was non-controversial and a matter not anticipated prior to the meeting, it could be acted on by the Board, but recommended the Board not act if there were any provisions that the members felt were controversial or required greater deliberation.

- **Signatory for the Board policy**

Thereafter, a motion was made by Dr. Freedman, seconded by Dr. Dodes and VOTED (roll call);  
**to allow the Executive Director or applicable staff to act as signatory for any Board decisions, correspondence, or other actions voted by the Board. This shall include, but not be limited to, signing Orders to Show Cause, advisory letters, and Final Decisions executed by the Board; and said policy to be revisited periodically by the Board.**

*Members in favor: Dodes, Bush, Fanselow, Freedman, and Shilts*  
*Members opposed: none*

- **Hearing Officer as Presiding Officer policy**

Thereafter, a motion was made by Dr. Dodes, seconded by Ms. Bush and VOTED (roll call);  
**to allow Hearing Officers at the Division of Professional Licensure the authority to act as a Presiding Officer for all adjudicatory proceedings conducted pursuant to 801 CMR commenced pursuant to complaints referred to the Office of Prosecutions including summary suspension proceedings; and said policy to be revisited periodically by the Board.**

*Members in favor: Dodes, Bush, Fanselow, Freedman, and Shilts*  
*Members opposed: none*

- **Disciplinary Matters Delegation policy**

Thereafter, a motion was made by Dr. Fanselow, seconded by Dr. Dodes and VOTED (roll call);  
**to (a) send complaints to the Office of Prosecutions for further handling, back to the Office of Investigation for further investigation, and closing complaints after a final disposition has been voted by the Board and/or any subcommittees created by the Board;**  
**(b) execute and amend consent agreements on the behalf of the Board within the scope of recommendations voted by the Board and/or any subcommittees created by the Board;**  
**(c) commence summary suspension proceedings when a given licensee's continued practice would immediately jeopardize the public's health, safety, or welfare so long as: the Chair has been notified, and the matter is brought before the Board at its next meeting;**  
**(d) execute final decisions and orders by default with uniform sanctions used by the Board for that purpose, against licensed and unlicensed individuals where those individuals have failed to appear and defend themselves in an adjudicatory proceeding;**  
**(e) process reinstatement requests in compliance with any Board adopted policies so long as one Board Member has reviewed the applicant's continuing education credits; and**

**(f) approve applications for licensure or reinstatement that include admissions that the applicant has received discipline by other states solely for violations of Continuing Education requirements, DOR suspension, or an out of state violation that is not a violation in Massachusetts. Applications for reciprocity showing discipline for any other violations shall be reviewed by the Board; and said policies to be revisited periodically by the Board.**

*Members in favor: Dodes, Bush, Fanselow, Freedman, and Shilts*

*Members opposed: none*

## **PUBLIC COMMENT**

- none

*Dr. Shilts said all matters for open meeting have been completed and the Board will soon enter into closed sessions for the remainder of the agenda.*

*He said the Board will not return to open meeting after the conclusion of these sessions.*

## **SUSPENDED LICENSE REINSTATEMENT REQUEST**

### **1297-CH-CH**

The Board prepared to discuss this matter.

Thereafter, a motion was made by Dr. Fanselow, seconded by Dr. Freedman and VOTED (roll call); **to enter into Quasi-Judicial Session at 11:53 a.m., per G.L. c. 30A, sec. 18, to discuss a licensee's request for reinstatement of a suspended license.**

*Members in favor: Dodes, Bush, Fanselow, Freedman, and Shilts*

*Members opposed: none*

*The Board exited Quasi-Judicial Session at 12:31 p.m. and entered into Closed Session at 12:32 p.m., per G.L. c. 112, sec. 65C, for the purpose of discussing investigatory matters.*

## **NEW AND OPEN CASES**

During Closed Session the Board took the following actions:

- 2021-000072-IT-ENF Sent to Office of Prosecutions  
*Dr. Fanselow was recused from this matter*
- 2021-000092-IT-ENF Sent to Office of Investigations
- 2020-000985-IT-ENF Sent to Office of Prosecutions
- 2020-001106-IT-ENF Sent to Office of Prosecutions
- 2020-001107-IT-ENF Sent to Office of Prosecutions
- 2020-001108-IT-ENF Sent to Office of Prosecutions  
*Dr. Fanselow participated in the discussion but left the session prior to voting*
- AIB Annual Fraud Report Accepted Files for Reviewing

## **NEW LICENSEE INTERVIEWS**

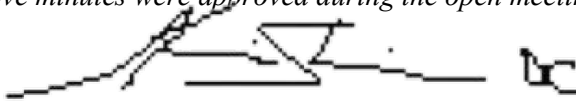
The following individuals participated in their New Licensee Orientation and Interview with the Board immediately prior to the meeting.

- Dr. Jennifer Swanson (RI)
- Dr. Richard Wright (CA)
- Dr. Mark Snyder (GA)
- Dr. Amber Dunford (VT)

## **ADJOURNMENT**

The public meeting of March 4, 2021 adjourned at the conclusion of Closed Session at 1:58 p.m.

*\*The above minutes were approved during the open meeting of the Board held on April 1, 2021*



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Kirk Shilts, D.C, Chair  
Massachusetts Board of Registration of Chiropractors

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

- *Proposed meeting agenda 3/4/21*
- *Draft public meeting minutes from 2/4/21*
- *Draft reply to L. Prather*
- *CE Certificates from S. Levine*
- *Draft GMC/CORI Board Policy*
- *Draft Delegation of Authority Board Policies*