

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

Public Meeting Minutes

March 7, 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
Dr. Kathleen O'Malley, Member
Dr. Abbey Denaro, Member
Ms. Barbara Bush, Public Member

MEMBERS ABSENT

None

STAFF PRESENT

Katie Goldrick, Board Associate Executive Director
Sheila York, Esq., Board Counsel

STAFF ABSENT

Lisa Guglietta, Board Executive Director

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, Denaro, O'Malley.*

Katie Goldrick 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. O'Malley and VOTED (roll call); **to approve the March 7, 2024 agenda as drafted.**

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

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 2/1/24.

Thereafter, a motion was made by Dr. O'Malley, seconded by Dr. Debs and VOTED (roll call); **to approve the public meeting minutes of February 1, 2024 as drafted.**

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

opposed: none

COMPLIANCE MONITORING

Swiatoslaw A. Paduchak - Docket No. 2020-000985-IT-ENF - Corrective Action Report

The Board sent Dr. Paduchak a notice of violation with the intention of revoking his license due to non-compliance. The Board reviewed and discussed the corrective action report submitted by Dr. Paduchak. Thereafter, a motion was made by Dr. Jolly, seconded by Dr. Debs and VOTED (roll call); **to accept the corrective action report.**

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

opposed: none

Thereafter another motion was made by Dr. O'Malley, seconded by Dr. Denaro and VOTED (roll call); **to direct staff to rescind the prior order and not revoke.**

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

opposed: none

DISCUSSION

Proposed Changes to 233 CMR

Proposed Changes to 233 CMR 4.05 (f) (4) and Review of Board Policy on Informed Consent.

The Board discussed informed consent in detail. The members agreed that for public safety and for the doctor and patient's best interests that a signed informed consent prior to patient care is necessary. The Board gave direction to Attorney York to draft new language for the April meeting. The patient, after being assessed and 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.

Attorney York stated that any and all changes will go out for public comment before the change becomes effective.

Proposed Changes to 233 CMR 3.00 and Review of Board Policy Guideline on Continuing Education

233 CMR 3.03 (1)(c)

The Board discussed in detail the relevance of allowing proper billing and coding as an additional educational tool for continuing education. The Board confirmed that “proper billing and coding” should be added as an amendment to 3.03(1)(c).

The Board also requested that the Board policy on CE be amended to add a bullet stating “proper coding and billing” in Section 2 under “Acceptable Course Subject Matter.”

Attorney York will present a revised policy for Board vote at a future meeting.

Proposed Changes to 233 CMR 4.00

4.02 Definition and Use of Supportive Procedures and Therapies

Dr. Denaro pointed out an inconsistency. The definition of “supportive procedures and therapies” in 233 CMR 4.02(1) includes supplementation, but the definition of “supportive procedures” in 233 CMR 2.00 does not include that term. A correction will be made so that “supplementation” is added to the definition of “Supportive Procedures and Therapies” in Section 2.00.

Also, Dr. Grosso brought up striking out the DAP in section 4.05(1)(g) and keeping the S.O.A.P or its equivalent as the required standard. Dr. Jolly brought up the Board’s policy on compliance plans which was issued in 2021 and is posted on the Board’s website.

Attorney York stated that all changes will go out for public comment,

233 CMR 4.02 Paragraph (1) adding in dry needling and phototherapy.

Proposed Changes to 233 CMR 5.00

233 CMR 5.02 3 exceptions (b) Language needs to be updated to make clear that DPH exception continues to apply only to DPH licensed hospitals and medical clinics but does not apply to licenses issued by other boards of registration.

Dr. Grosso said he is happy with the clarification to edit. Attorney York said that when it is reviewed DPH will check the language also.

NEW BUSINESS

None

PUBLIC COMMENT

Paul Andrews from Tools of Practice, a compliance and education company, introduced himself and presented his background to the board. He is a partner to Dr. Davini and started a third-party billing company in 2002. He is a certified Chiropractic Assistant and a certified compliance officer. He made a comment about appreciating the Board looking over the regulations and policies thoroughly. He gave his opinion on compliance and agreed with Dr. Jolly. He suggested that when compliance is added to section 233 CMR section 3.03, to put a general definition of compliance in section two and then use a policy to help refine what it is so that the Board and

any future Boards can change it if necessary. The policy can give specific direction to doctors of what qualifies for CEU's. The word "billing" raises some opinions because of the financial aspect, but 233 CMR 3.03 handles it and it puts in the restrictions. Billing is more than just coding, while diagnostic coding is more than service coding. There are lots of aspects of billing that have nothing to do with financial gain but have everything to do with reporting correctly. And the word "reporting" is used in the billing world. Reporting is a global term that is used more comfortably than the word billing. Paul Andrews noted that PACE uses the term "recognized provider" instead of "approved provider".

Dr. Mark Davini asked to be recognized. He is also from Tools of Practice. His background as a chiropractor also includes a board-certified neurology degree and a certified professional compliance officer designation. He commented on compliance and the fact that it is a federal regulation. In 2005 the Chiropractors Board put in a requirement for facilities in MA to have a compliance program and a compliance manual. The Board felt it was redundant to have the federal government require something to restate it as a state requirement. Personnel as a mandatory issue for CEU's have a mandatory and necessary role. State and federal governments require annual training for patient safety and workplace security. Some training examples are HIPAA, sexual harassment, cultural competency, patient interaction, and proper use of pronouns. Clinical chiropractic assistants who directly work with patients need to have mandatory training. Personnel management is required.

Tracey Lane from Massachusetts Chiropractic Society mentioned Bill H.2121 for a chiropractic preceptorship program that will hopefully pass this year. She also discussed the importance of reaching out to chiropractic colleges to help increase the number of students coming into the chiropractic profession in Massachusetts. There is a recruiting effort on April 10, 2024 at the University of Bridgeport. She invited anyone who is interested to attend.

CLOSED SESSION

At 11:14a.m. the Chair requested a motion to end the public session and go into closed session.

Thereafter, a motion was made by Dr. O'Malley, seconded by Dr. Jolly 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, O'Malley, Denaro

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-2023-0012 - Dismissed Without Prejudice*
- *Docket Number FCHR-2023-0001 - Dismissed Without Prejudice*

ADJOURNMENT

At 11:25 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, O'Malley, Denaro

Respectfully submitted,

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

Documents used by the Board during open session:

- *Posted agenda 03/07/2024*
- *Draft public meeting minutes of 02/01/2024*
- *Monitoring Report for Swiatoslaw A. Paduchak, D.C.*
- *Proposed Changes to 233 CMR*
- *Board Policy Guideline on Continuing Education*