

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

Public Meeting Minutes

April 6, 2023

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.

Atty York reminded everyone that today's meeting will be recorded.

Dr. Jolly noted a quorum of members present via video or phone and called the meeting to order at 10:00 a.m.

MEMBERS PRESENT

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

STAFF PRESENT (at various times)

Lisa Guglietta, Board Executive Director
Eboni Lewis, Board Associate Executive Director
Sheila York, Esq., Board Counsel
Ellen D'Agostino, Investigator
Lauren McShane, Investigative Supervisor

ATTENDANCE:

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

APPROVAL OF AGENDA:

A motion was made by Dr. Grosso to approve the agenda, seconded by Dr. O'Malley and VOTED (roll call); **to approve the April 6, 2023 agenda.**

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

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. Open Meeting Law has been extended for two years to meet virtually until March 31, 2025.

PUBLIC MEETING MINUTES

The Board discussed the draft public meeting minutes of 03/02/23.

Thereafter, a motion was made by Dr. Grosso, seconded by Dr. O'Malley and VOTED (roll call);
to approve the public meeting minutes of March 2, 2023 as drafted.

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

opposed: none

CORRESPONDENCE

An email from Holley Heyert, DC dated 3/12/23 regarding an Arizona Chiropractic Board complaint has been received and filed.

An email from Drs. Ashley and Matthew McGovern dated 3/22/23 regarding ozone therapy has been received. The Board discussed that injections are outside the scope of practice in Massachusetts.

Thereafter, a motion was made by Dr. Debs, seconded by Dr. O'Malley and VOTED (roll call);

That injections are not within the scope of practice to perform in Massachusetts

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

opposed: none

DISCUSSION

Requests for Extension to Complete Continuing Education Requirement for Renewal

The Board discussed two licensee requests for extensions to complete the continuing education requirement for renewal which was due by 3/31/23. Ms. Guglietta discussed the individual requests with the Chair, Dr. Jolly, before the April meeting. Dr. Jolly and Ms. Guglietta agreed that the Board should grant the licensees' extension requests. The licensees have until April 30, 2023 to send proof of CE completion to the Board.

A motion was made by Dr. Connors, seconded by Dr. O'Malley and VOTED (roll call);

To allow the Executive Director of the Board and Board Chair to make decisions on behalf of the Board regarding continuing education waiver and extensions requests.

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

opposed: none

Delegation of Authorities

The Delegation of Authorities statements below were reviewed by the Board.

Thereafter, a motion was made by Dr. O'Malley, seconded by Dr. Grosso and VOTED (roll call);
to delegate authority as follows:

To grant primarily to the Board's Executive Director, and secondarily to the Board's Associate Executive Director and/or the Deputy Bureau Director, the authority to sign on behalf of the Board: Order to Show Cause Notices, Consent Agreements and Final Decisions, consistent with the terms established by the

Board, and to sign off on case closings. This delegation of authority shall remain in effect unless and until overridden by a subsequent vote of the board;

To delegate to administrative magistrates (hearings officers) authority to act as a presiding officer for all adjudicatory proceedings conducted pursuant to state regulations 801 CMR for all cases where the Board has voted to issue an Order to Show Cause, Summary Suspension order, Denial of License or other adjudicatory matter or where an Order to Show Cause will be issued. This delegation of authority shall remain in effect unless and until overridden by subsequent vote of the board;

Delegation of Authorities will be renewed annually at the June board meeting.

Student Licenses

The Board discussed the possibility of a student or junior license for chiropractors. Licenses are set by statute and the current statutes do not allow for preceptorships or student licenses in Massachusetts. It is not within the Board's authority to legislate but it could support such a bill.

NEW BUSINESS

None

PUBLIC COMMENT

Ashley Mc Govern, D.C. asked how the scope of practice for licensed chiropractors within the Commonwealth of Massachusetts can be changed to include injections such as those used in ozone therapy. The statute would need to be changed. Attorney York suggested that she contact her state representatives and senators.

Tracey Lane from the MA Chiropractic Society notified the Board about two proposed bills that would allow for better education for providers around alternatives to prescribing opioids to patients. Chiropractic would be one alternative. These two bills are House bill 1970 and Senate bill 1254.

CLOSED SESSION

At 11:03 a.m. a motion was made by Dr. O'Malley **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**, seconded by Dr. Grosso and VOTED (roll call). The motion passed as follows:

In favor: Jolly, O'Malley, Debs, Bush, Grosso, Denaro, Connors

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]

- *FINV6512* *Case closed*
- *INV6545* *Case closed*
- *INV6749* *Formal complaint opened*
- *CASE 2022-0010* *Dismissed with advisory letter*

ADJOURNMENT

The meeting adjourned at the conclusion of Closed Session at 11:57 a.m.

Respectfully submitted,

Jaclyn Debs, D.C., Secretary
Board of Registration of Chiropractors

Documents used by the Board during open session:

- *Posted agenda 04/06/2023*
- *Draft public meeting minutes of 3/02/23*
- *Emails from Holley Heyert, D.C. and Drs. Ashley and Matthew McGovern*
- *233 CMR 3.00 Continuing Education Requirements*
- *Delegation of Authorities Statement*