

Commonwealth of Massachusetts
Division of Occupational Licensure
Board of Registration of Chiropractors
1000 Washington Street
Boston, MA 02118

Public Meeting Minutes

APRIL 7, 2022

A public meeting of the Massachusetts Board of Registration of Chiropractors (the Board) was held remotely with video conference and phone as an alternate means of public access pursuant to Chapter 22 of the Acts of 2022, signed into law on February 12, 2022.

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

MEMBERS PRESENT

Dr. Daniel Reida, Chair
Dr. Sunit Jolly, Vice Chair
Dr. Jaclyn Debs, Secretary
Ms. Barbara Bush, Public Member
Dr. Joseph Grosso, Member
Dr. Kathleen O'Malley, Member

MEMBERS ABSENT

Dr. Abbey Denaro

STAFF PRESENT (at various times)

Lisa Guglietta, Board Executive Director
Eboni Lewis, Associate Executive Director
Clinton Dick, Esq., DOL General Counsel
Ellen D'Agostino, Office of Investigations
Andrew Lutynski, Office of Investigations

OTHERS PRESENT (at various times)

Dr. Edwin Arnold, Applicant for Licensure
Jennifer Herlihy, Esq., Civil Litigation Attorney

ATTENDANCE

Lisa Guglietta took attendance by roll call.

BOARD ELECTIONS

A motion was made by Dr. Reida to nominate himself for Chair, seconded by Dr. O'Malley. The motion passed as follows (roll call):

In Favor: Reida, Jolly, Debs, Bush, Grosso, O'Malley

Opposed: none

A motion was made by Dr. Jolly to nominate herself for Vice Chair, seconded by Dr. O'Malley. The motion passed as follows (roll call):

In favor: Reida, Jolly, Debs, Bush, Grosso, O'Malley
Opposed: none

A motion was made by Barbara Bush to nominate herself for Secretary. It was not seconded.

A motion was made by Dr. Debs to nominate herself for Secretary, seconded by Dr. O'Malley. The motion passed as follows (roll call):

In favor: Reida, Jolly, Debs, Bush, Grosso, O'Malley
Opposed: none

CONFLICT OF INTEREST and OPEN MEETING REQUIREMENTS

Upon Dr. Reida's request, Atty. Dick reviewed the meanings of Board statutes, regulations, and policies for the benefit of new Board members. Atty. Dick also reviewed the following: public/open session and the various types of closed session; the complaint process and the docket system; Board review of complaints and Board disciplinary sanctions. Atty. Dick then reviewed Conflict of Interest and Open Meeting Law Requirements.

PUBLIC MEETING MINUTES

February 10, 2022

The Board discussed the draft public meeting minutes of 02/10/22.

Thereafter, a motion was made by Barbara Bush, seconded by Dr. Jolly, to approve the public meeting minutes of February 10, 2022 as drafted. The motion passed as follows (roll call):

In favor: Reida, Jolly, Debs, Bush, Grosso, O'Malley
Opposed: none

STAFF REPORTS

Ms. Guglietta stated that the Chiropractor Board is moving to the Department of Public Health by January 2023, but that date may change.

REQUEST TO REINSTATE SUSPENDED LICENSE

Majid Sababi, License 3300-CH-CH, requested a reinstatement of his suspended license.

It was discussed that completed Continuing Education Units (CEUs) were not submitted with his request.

Thereafter, a motion was made by Dr. Reida, seconded by Ms. Bush, to invite Dr. Sababi to a future meeting at which he is to provide up to date CEUs. The motion passed as follows (roll call):

In favor: Reida, Jolly, Debs, Bush, Grosso, O'Malley
Opposed: none

BOARD DELEGATION OF AUTHORITY POLICY

Atty. Dick reviewed the Board Delegation of Authority Policy. Discussion was tabled until the next meeting.

FCLB and NBCE Delegate Nominations

Dr. Reida discussed the FCLB and NBCE Delegate Nominations. The meeting is on May 6, 2022 in Denver. The deadline for nominating Board delegates was March 8, 2022. The Board will forego nominations this year because the members are so new.

CE CREDIT APPROVAL

Partners in Perinatal Health applied for CE credits for chiropractors. It was noted there are no chiropractors on the speaking schedule.

Thereafter, a motion was made by Dr. Reid, seconded by Dr. Grosso, and VOTED (roll call) to approve the Partners in Perinatal Health CE for chiropractors. The motion passed as follows (roll call):

In favor: Reid, Jolly, Debs, Bush, Grosso, O'Malley

Opposed: none

LICENSE REINSTATEMENTS – CE REVIEW

Jonathan Yalowchuk – License 2709-CH-CH expired on 3/31/2020. The Board reviewed Dr. Yalowchuk's application and the 24 CE credits required for his license reinstatement.

A motion was made by Dr. Jolly, seconded by Ms. Bush, and VOTED (roll call) to reinstate Jonathan Yalowchuk's chiropractic license. The motion passed as follows (roll call):

In favor: Reid, Jolly, Debs, Bush, Grosso, O'Malley

Opposed: none

Brian Sullivan – License 2069-CH-CH expired on 3/31/2020. The Board reviewed Dr. Sullivan's application and the 24 CE credits required for his license reinstatement.

A motion was made by Ms. Bush, seconded by Dr. Jolly and VOTED (roll call) to reinstate Brian Sullivan's chiropractic license. The motion passed as follows (roll call):

In Favor: Reid, Jolly, Debs, Bush, Grosso, O'Malley

Opposed: none

COMPLIANCE MONITORING

Kimberly Flaherty 2576-CH-CH - Proposed Monitors

Dr. Reid and Dr. Jolly recused themselves. The Board reviewed the licensee's three proposed monitors. A motion was made by Ms. Bush, seconded by Dr. O'Malley, and VOTED (roll call) to accept all three proposed monitors. The motion passed as follows (roll call):

In favor: Debs, Bush, Grosso, O'Malley

Opposed: none

Recused: Reid and Jolly

Holley Heyert 2297-CH-CH – Proposed Monitors

The Board reviewed the licensee's three proposed monitors. Two applications were not accepted by the Board. Dr. Scott Diamond's application for monitor was accepted.

A motion was made by Dr. O'Malley, seconded by Dr. Jolly and VOTED (roll call) to approve Dr. Scott Diamond as monitor. The motion passed as follows (roll call):

In favor: Reid, Jolly, Debs, Bush, Grosso, O'Malley

Opposed: none

APPLICATION QUALIFICATION AND RECIPROCITY REVIEW:

Edwin Thomas Arnold, D.C.

The Board reviewed Dr. Arnold's application and qualifications for MA licensure by reciprocity. Dr. Arnold is currently licensed in New Mexico and has sufficient CE credit for his June 2022 NM license renewal.

A motion was made by Dr. Jolly, seconded by Dr. O'Malley to approve Dr. Arnold's continuance in the licensing process. The motion passed as follows (roll call):

In favor: Reida, Jolly, Debs, Bush, Grosso, O'Malley

Opposed: none

NEW BUSINESS

None

EXECUTIVE SESSION

At 11:40 a.m. a motion was made by Dr. Grosso to end the public session and go into Executive Session per G.L. c. 30A, § 21(a)(1), to discuss character rather than competency of an applicant. This was seconded by Dr. O'Malley. The motion passed as follows (roll call):

In favor: Reida, Jolly, Debs, Bush, Grosso, O'Malley

Opposed: none

PUBLIC COMMENT

At 12:15 p.m. a motion was made by Dr. Reida, seconded by Dr. O'Malley to return to open session for public comment. The motion passed as follows (roll call):

In favor: Reida, Jolly, Debs, Bush, Grosso, O'Malley

Opposed: none

At 12:23 p.m. Attorney Jennifer Herlihy made a public comment that Summary Suspension of a license should not be utilized without the full Board's approval even if it necessitated an emergency meeting of the Board.

At 12:26 p.m. a motion was made by Dr. O'Malley, seconded by Dr. Grosso to end the public session, and enter closed session for Investigative Case Conference per G.L. c. 112, § 65C. The motion passed as follows (roll call):

In favor: Reida, Jolly, Debs, Bush, Grosso, O'Malley

Opposed: none

NEW AND OPEN CASES

The Board took the following actions during closed session:

- | | |
|----------------------------|-----------------------------|
| • 2019-001232-INT-ENF (VP) | No Action Taken |
| • 2021-000563-IT-ENF (TW) | Dismissed without prejudice |
| • 2021-000864-IT-ENF (AC) | Dismissed without prejudice |
| • 2021-000865-IT-ENF (JA) | Dismissed without prejudice |
| • 2021-000866-IT-ENF (ZA) | Dismissed without prejudice |
| • 2021-000859-IT-ENF (BCC) | Tabled to next meeting |
| • 2021-000886-IT-ENF (RW) | Tabled to next meeting |
| • 2021-000887-IT-ENF (MB) | Tabled to next meeting |
| • 2021-000889-IT-ENF (MM) | Tabled to next meeting |
| • 2021-000992-IT-ENF (KB) | Dismissed without prejudice |

QUASI-JUDICIAL SESSION: *[Closed Session: G.L. c. 30A, § 18(d)]*

- 2020-000985-IT-ENF (SP) Tabled to next meeting

NEW LICENSEE INTERVIEWS

Prior to the meeting, the following candidates completed their new licensee orientation/interview with Dr. Reida:

- Dr. Matthew Lowe (CA)
- Dr. Edwin Thomas Arnold (TX)
- Dr. Raymond Antoun (MA)
- Dr. Nicole Goodwin (TX)
- Dr. Nicholas Cone (IL)
- Dr. Nicholas Calandra (NH)
- Dr. Brice Jordan (KY)

ADJOURNMENT

The public meeting adjourned at the conclusion of closed session at 1:27 p.m.

Respectfully submitted,

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

Documents used by the Board during open session:

- *Posted agenda 4/7/22*
- *Draft public meeting minutes of 2/10/22*
- *Partners in Perinatal Health, email request and program brochure*
- *FCLB and NBCE Delegation Forms*
- *License reinstatement request and supporting documents, M. Sababi*
- *Board Delegation of Authority Policy*
- *License Reinstatement applications, J. Yalowchuk & B. Sullivan*
- *Compliance monitor applications, K. Flaherty & H. Heyert*
- *Reciprocity Licensure Application, E. Arnold*