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**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

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**Commonwealth of Massachusetts**  
**Division of Professional Licensure**  
**Board of Registration of Chiropractors**  
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COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

**PUBLIC MEETING MINUTES**

**MAY 6, 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 10:02 a.m.

**MEMBERS PRESENT**

Dr. Kirk Shilts, Chair  
Dr. Glen Dodes, Vice Chair  
Dr. Candace Maddalo, Secretary  
Ms. Barbara Bush, Public Member  
Dr. Daniel Fanselow, Member  
Dr. Gabriel Freedman, Member

**STAFF PRESENT (at various times)**

Matthew Keigan, Board Executive Director  
Charles Kilb, Esq, Board Legal Counsel  
Allan VanTassel, Office of Investigations

**CHAIRMAN MESSAGE**

Dr. Shilts said COVID-19 infections are rapidly waning due to our region's robust vaccination participation, which is great news for everyone.

**AGENDA**

Mr. Keigan asked to include an additional open case that was adjudicated and sent to the Office of Prosecutions prior to him becoming chiropractic Executive Director.  
There were no New Business items.

Dr. Dodes MOVED to set the agenda, as amended, seconded by Dr. Fanselow and VOTED (roll call);  
*Members in favor: Dodes, Maddalo, Bush, Fanselow, Freedman and Shilts*  
*Members opposed: None*

**CONFLICT of INTEREST and OPEN MEETING LAW REMINDER**

Atty. Kilb gave a brief overview of The Commonwealth's Conflict of Interest and Open Meeting Laws.  
Atty. Kilb also discussed when Board members should recuse themselves from Board discussions or votes.

**BOARD REORGANIZATION/ INTENT to RUN**



Dr. Shilts said whoever is interested in a Board officer position for next year can declare that today. The Board will take nominations and vote for new officers during the next meeting. The three positions are Board Chair, Vice Chair, and Secretary. Each 1-year terms start on July 1<sup>st</sup>.

Dr. Freedman asked Dr. Dodes to consider becoming Chair, which Dr. Dodes affirmed his interest.  
Dr. Fanselow would like to be Vice Chair.  
Dr. Shilts would like to be Secretary.

## **PUBLIC MEETING MINUTES**

**April 1, 2021**

Dr. Maddalo MOVED to approve the public meeting minutes of April 1, 2021 as drafted, seconded by Dr. Freedman and VOTED (roll call);

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

*Members opposed: none*

## **LEGAL COUNSEL REPORT**

Atty. Kilb said that Governor Baker is planning to file Article 87 legislation, which is a re-organization bill that would transfer the chiropractic board and other health-related boards from the DPL to the Department of Public Health. If it does happen, the bill can only re-organize the executive branch - and the Board would still retain the statutory authority it has now.

## **GENERAL DISCUSSION:**

### **• TELEHEALTH POLICY**

Dr. Shilts said this is a follow-up from our prior meeting about the Federal employee workers compensation program policy concerning routine telehealth appointments that include chiropractor services. DFEC Telehealth Service Update, Bulletin #21-08, released on 3/26/21.

### **• PROPOSED POLICY GUIDE on COMPLIANCE PLANS**

Dr. Shilts said the Board rescinded the regulatory requirement that all Chiropractic Facilities must have a practice compliance plan about 10-years ago in favor of simply educating licensees about compliance plans. He said a policy guideline was created at the time but never scheduled making it a Board policy. He said he softened the original document from the formality of a policy guideline to more of an educational tool.

Dr. Shilts said he is concerned about how monitors monitor practices on behalf of the Board. He said licensees under discipline need the framework of a practice compliance plan to help them change from what got them in trouble. The proposed guide would make a monitor's or auditor's job easier and better focused.

Dr. Dodes said the proposed policy's introduction should not state that it's used by the Board for auditing purposes. He also suggested renaming it as a Practice Guide instead of a policy.

Dr. Fanselow MOVED to adopt the draft Practice Guide on Compliance Plans, as amended, seconded by Dr. Dodes and VOTED (roll call);

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

*Members opposed: none*

## **CORRESPONDENCE**

- National Board of Chiropractic Examiners (NBCE) 4/28/21 email, RE moving the DIM (diagnostic imaging) exam from the Part IV exam to Part III, making the Part IV exam a one-day practical exam.**

Dr. Dodes MOVED to support the NBCE DIM exam move from Part IV to Part III, seconded by Dr. Maddalo and VOTED (roll call);

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

*Members opposed: none*

## **PRACTICE MONITORING**

- **2019-000027-IT-ENF, quarterly monitoring report dated 4/2/21.**

Dr. Fanselow MOVED to accept the 4/2/21 monitoring report, seconded by Dr. Dodes and VOTED (roll call);

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

*Members opposed: none*

### **NEW BUSINESS**

none

### **PUBLIC COMMENT**

- **Dr. Peter Stein** commented on Continuing Education Board approvals. He said Performance Art Health Care has a high level of education and should be applicable for chiropractic CE hours. He asked about the mechanism when a CE sponsor is not a chiropractic organization. Dr. Shilts said the Board has a policy guideline on our website that explains the CE approval process. He suggested sending the Board a correspondence about this continuing education program/application.

*Dr. Shilts said the Board has concluded all agenda items for open session and that the remaining items are investigatory in nature to be held in closed session. He said the Board will not be coming back to open meeting once closed session has concluded.*

### **NEW and OPEN CASES**

Dr. Dodes MOVED to close the open meeting at 11:06 a.m. per Mass General Law ch. 112, sec. 65C to discuss new and open cases, seconded by Dr. Freedman and VOTED (roll call);

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

*Members opposed: none*

During Closed Session the Board took the following actions.

- 2020-001599-IT-ENF Dismiss without Prejudice
- 2020-001651-IT-ENF Dismiss without Prejudice
- 2020-001700-IT-ENF Send to Office of Prosecution
- 2021-000290-IT-ENF Send to Office of Prosecution
- 2021-000338-IT-ENF Receive NPDB report dated 4/16/21
- 2021-000135-IT-ENF Approved Advisory Letter, as amended
- AIB Fraud Investigation Gave staff direction
- 2019-01293-IT-ENF Gave staff direction

### **ADJOURNMENT**

The meeting adjourned at 12:39 p.m.

### **NEW LICENSEE ORIENTATION/ INTERVIEWS**

The following candidates for chiropractic licensure participated in the Board's New Licensee Orientation and Interview Presentation with Dr. Shilts prior to the Board meeting.

- Dr. Jason Potash (MA)
- Dr. Tiffanie Winzenried (MA)
- Dr. Erik Moll (TX)
- Dr. Jason Garret (TX)
- Dr. Abigail Rovnak (MA)
- Dr. Richard Channing (TX)

Respectfully Submitted,  
Candace Maddalo, D.C., Secretary  
Massachusetts Board of Registration of Chiropractors

*\* The above minutes were approved during open meeting of the Board held on June 4, 2021*

**Documents used during open session:**

- *Proposed meeting agenda for 5/6/21*
- *Draft public meeting minutes of 4/1/21*
- *Article 87 re-organization bill from Gov. Baker*
- *FECA Bulletin #21-08, dated 3/26/21*
- *Draft Policy Guide on Practice Compliance Plans, dated 8/15/11*
- *E-Mail from NBCE, Changes to the NBCE Part III & IV, dated 4/28/21*
- *Clinical Monitoring Report, dated 4/2/21*