

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

Public Meeting Minutes

June 1, 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.

Ms. Lewis reminded attendees that the meeting was being 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. Mary Connors, Member
Dr. Kathleen O'Malley, Member

MEMBER ABSENT

Dr. Abbey Denaro, 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, Connors*

APPROVAL OF AGENDA:

A motion was made by Dr. O'Malley to approve the agenda, seconded by Dr. Grosso and VOTED (roll call); **to approve the June 1, 2023 agenda.**

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

PUBLIC MEETING MINUTES

The Board discussed the draft public meeting minutes of 5/04/23.

Thereafter, a motion was made by Dr. Grosso, seconded by Dr. Debs and VOTED (roll call);
to approve the public meeting minutes of May 4, 2023 as drafted.

in-favor: Jolly, O'Malley, Debs, Bush, Grosso, Connors
opposed: none

CHIROPRACTOR OF RECORD EXPERIENCE WAIVER REQUEST

Tyler Proctor license CHI3829 requested an experience waiver as the proposed chiropractor of record for The Joint chiropractic facility in Saugus, MA. Dr. Proctor has been licensed since February 5, 2020 and does not have four years of experience as a licensed chiropractor. He would be serving as chiropractor of record remotely from Utah. It was discussed by the Board that he graduated in 2017 and passed the boards in 2019.

A motion was made by Dr. Debs, seconded by Dr. Grosso and VOTED (roll call);
To deny the chiropractor of record experience waiver request.

in-favor: Jolly, O'Malley, Debs, Bush, Grosso, Connors
opposed: none

DISCUSSION

The Board discussed draft amendments to 233 CMR which were proposed by the Board in 2019 prior to most of the current members being appointed to the Board. Attorney York explained that when the Board was transferred from Division of Occupational Licensure ("DOL") to the Department of Public Health (DPH) in September 2022, the Board was awaiting approval from DOL/Executive Office of Housing and Economic Development to schedule a public hearing on these proposed amendments. Now that the Board is within DPH, the Board needs to submit the proposed regulation changes and required forms to DPH and the Executive Office of Health and Human Services (EOHHS) for approval to schedule a public hearing on the regulations. The Board is reviewing the proposed amendments to affirm that they still want to proceed with the proposed regulations as drafted in 2019.

233 CMR 2.00 The Board discussed the proposed changes to 233 CMR 2.00 which seek to add language recognizing dry needling to be in the scope of practice for chiropractors practicing in the Commonwealth.

A motion was made by Dr. O'Malley, seconded by Dr. Grosso and VOTED (roll call);
To authorize staff to submit for DPH/EOHHS review the proposed changes to 233 CMR 3.00 to clarify that dry needle myotherapy and phototherapy fall within the *Definition and Use of Supportive Procedures and Therapies* which may be administered, dispensed or prescribed in addition to the primary Chiropractic procedure.

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

opposed: none

233 CMR 3.01 The Board discussed existing proposed changes to 233 CMR 3.00. The Board agreed to proceed with the existing proposed changes and to add clarifying language for continuing education requirements. Direction was given to staff to clarify the language for section 3.01.

233 CMR 4.00 was discussed by the Board.

A motion was made by Dr. Debs, seconded by Dr. Grosso and VOTED (roll call);
To submit for DPH/EOHHS review the existing proposed changes to 233 CMR 4.00.

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

opposed: none

233 CMR 5.00 was discussed by the Board.

A motion was made by Dr. O'Malley, seconded by Dr. Grosso and VOTED (roll call);
To submit for DPH/EOHHS review the existing proposed changes to 233 CMR 5.00.

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

opposed: none

REACTIVATION APPLICATION

Russell Hubler's license CHI2113 expired on 3/31/2020. He practiced with an expired license in Massachusetts. He was required to provide the Board with proof of 36 continuing education (CE) credits.

A motion was made by Dr. O'Malley, seconded by Dr. Grosso and VOTED (roll call);
To approve the reactivation application and open a complaint against the licensee for practicing with an expired license.

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

opposed: none

NEW BUSINESS

None

PUBLIC COMMENT

Hannah Kurbs, DC, discussed having a frustrating experience with the chiropractor licensing process. Her licensure was delayed due to her jurisprudence exam score not being received in a timely manner due to a technical glitch in the PCS system. Dr. Kurbs stated that she was now licensed due to the help of Tracey Lane and Lisa Guglietta. Sarah O'Brien, co-owner of Bayside Chiropractic in Seekonk, MA with Dr. Paul O'Brien, also expressed concern about how long it takes to get a new associate on board in their practice.

Dr. Jolly suggested a Board subcommittee to research other states' licensing process times and requirements. Dr. Grosso offered to assist in this effort. Lisa Guglietta stated that applicants should contact Board staff directly and right away if they are experiencing issues with licensure.

Dr. Thaddeus Jacobs, owner of The Joint in Saugus, MA, stated that he invested a lot into Tyler Proctor, DC, being able to serve as chiropractor of record. He asked the Board to reconsider the Chiropractor of Record Experience Waiver request. He stated that The Joint does not accept any insurance. Dr. Jacobs was concerned about not being able to open his practice without a facility license. He stated that he has another chiropractor who could serve as the Chiropractor of Record if Dr. Proctor cannot. He was instructed by the Board to update his facility application with a new proposed Chiropractor of Record.

Tracey Lane from the Massachusetts Chiropractic Society stated that there is not equal parity with insurance coverage for chiropractors and gave Blue Cross Blue Shield as an example. She also stated that Tufts is not giving patients correct information about co-pays. Tracey Lane also stated that the number of licensed chiropractors in Massachusetts has dwindled over the past six years.

CLOSED SESSION

At 11:24 a.m. a motion was made by Dr. Grosso **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. O'Malley and VOTED (roll call). The motion passed as follows:
In favor: Jolly, O'Malley, Debs, Bush, Grosso, 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]

- *CASE-2023-0024* *Sent to Prosecutions*
- *CASE 2022-0010* *Reopened and gave direction to staff.*
- *INV7332* *Denied requests to either reopen 2021-000330-IT-ENF or open new complaint*

ADJOURNMENT

The meeting adjourned at the conclusion of Closed Session at 1:11 p.m.

Respectfully submitted,

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

Documents used by the Board during open session:

- *Posted agenda 6/01/2023*
- *Draft public meeting minutes of 5/04/23*
- *Facility Application and Chiropractor of Record Experience Waiver Request T. Proctor*
- *Draft Amendments to 233 CMR*
- *Reactivation Application R. Hubler*