

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

Public Meeting Minutes

August 3, 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.

Dr. Jolly noted a quorum of members present via video or phone and called the meeting to order at 10:01 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
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
Jessica Uhing-Luedde, Esq., Chief Board Prosecutor

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, Denaro*

APPROVAL OF AGENDA:

Lisa Guglietta, Board Executive Director, stated that a reactivation application for Colleen Suchecki was added to the agenda under topics not reasonably anticipated by the Chair 48 hours before the meeting. Thereafter a motion was made by Dr. Debs to approve the amended agenda,

seconded by Dr. Grosso and VOTED (roll call); **to approve the August 3, 2023 amended agenda.**

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

opposed: none

Ms. Guglietta asked the public to mute their microphones and reminded the attendees that the meeting was being recorded.

ELECTION OF OFFICERS:

Board Chair: Dr. Debs nominated Dr. Grosso for Chair and Dr. Connors seconded the nomination. Thereafter, a roll call vote was taken:

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

opposed: none

Board Vice-Chair: Dr. Grosso nominated Dr. Debs for Vice-Chair and Dr. O'Malley seconded the nomination. Thereafter, a roll call vote was taken:

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

opposed: none

Board Secretary: Dr. O'Malley nominated Dr. Connors for Secretary and Dr. Grosso seconded the nomination. Thereafter, a roll call vote was taken:

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

opposed: none

Atty. York stated that each Board member will remain in their current seat until the end of the meeting.

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 6/1/23.

Thereafter, a motion was made by Dr. Grosso, seconded by Dr. O'Malley and VOTED (roll call); **to approve the public meeting minutes of June 1, 2023 as drafted.**

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

opposed: none

DISCUSSION

Delegation of Authority for Staff Actions Relative to Monitoring Licensure Conditions

The Board discussed whether to adopt the Bureau of Health Professions Licensure's policy Delegation of Authority for Staff Actions Relative to Monitoring Licensure Conditions.

Currently Board staff track and follow up on licensees' compliance with probation monitoring

requirements. If the Board adopted the policy, Karen Fishman, Probation Department Coordinator at the Bureau, would be able to assist Board staff with probation monitoring cases. An annual review was suggested to review and approve the policy annually at the Board's August meeting.

Thereafter, a motion was made by Dr. Grosso, seconded by Dr. O'Malley and VOTED (roll call); **To adopt the policy entitled Delegation of Authority for Staff Actions Relative to Monitoring Licensure Conditions with the contingency that the policy would be reviewed and approved annually.**

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

opposed: none

Prosecutorial Discretion and Alford Plea Policies

Chief Prosecutor Jessica Uhing-Luedde presented the Prosecutorial Discretion and Alford Plea Policies with the Board.

Alford Plea Language is to be used for all Bureau of Health Professions Licensing boards. The purpose is to promote consistency and facilitate settlement. All consent agreements shall contain language indicating that the consent agreement does not contain admissions or findings. The Board discussed approving the policy with the contingency of reviewing and approving it annually.

Thereafter, a motion was made by Dr. Connors, seconded by Dr. O'Malley and VOTED (roll call); **To approve the Alford Plea Language Policy contingent upon an annual Board review.**

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

opposed: none

Prosecutorial Discretion

The Board discussed the Policy on Delegation of Authority re: Drafting Orders to Show Cause and Consent Agreements to Board Counsel and the Prosecution Unit.

The Board agreed to adopt the first three paragraphs of the draft policy. Specifically, the Board adopted the first paragraph regarding the process to follow when considering resolving a case with discipline different than the discipline that had been authorized by the Board. The Board adopted the second paragraph discussing the process to follow when offering and/or accepting a Consent Agreement in which the cited grounds for discipline and or/or corresponding statute or regulatory violations differ from what was previously authorized by the Board. The Board voted to adopt the third paragraph of the policy which discussed providing a range of acceptable monitoring terms, requirements, and/or sanctions.

The Board did not adopt the fourth paragraph of the draft policy which includes three sub paragraphs. These paragraphs, which were not adopted, set forth a process to follow when Prosecuting Counsel sought to add or delete a deficiency/ground for discipline in the Order to Show Cause. The Board stipulated that adding or deleting a deficiency/ground for discipline in

an OTSC pertained to practice standards and must be done in consultation with the Board or Chair.

A motion was made by Dr. O'Malley, seconded by Dr. Grosso and VOTED (roll call);
To adopt the first three bulleted paragraphs of the draft policy on delegation of authority for consent agreements, and to strike from the policy the fourth bulleted paragraph and its three subparagraphs.

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

opposed: none

FACILITY APPLICATION REVIEW

Thaddeus Jacobs attended the meeting with his attorney, Jennifer Herlihy. Dr. Jacobs applied for a chiropractor facility as the business principal of The Joint in Saugus, MA. His naturopathic physician license in Utah is active on probation. The proposed chiropractor of record for the facility withdrew himself from the application. The Board asked Dr. Jacobs questions and discussed his suitability to be business principal of a facility. The Board decided to approve Dr. Jacobs as the business principal and noted that he must obtain a new proposed chiropractor of record and update his application to proceed in the licensing process.

A motion was made by Dr. Connors, seconded by Dr. Grosso and VOTED (roll call);
To approve Thaddeus Jacobs as the business principal on the facility application.

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

opposed: none

COMPLIANCE MONITORING

Anthony Moncton CHI1792

The Board discussed the Petition for Reinstatement presented by Dr. Moncton's attorney, Jennifer Herlihy. A motion was made by Dr. Grosso, seconded by Dr. O'Malley and VOTED (roll call); **To end Dr. Moncton's license status as under Probation and reinstate his license status to Current.**

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

opposed: none

recused: Debs

Holley Heyert CHI2297

The Board discussed Dr. Heyert's second monitoring report and corrective action report. Dr. Heyert's monitor, Dr. Diamond, wishes to be discharged as monitor. Dr. Heyert has 15 days to provide the Board with three new proposed monitors.

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

To discharge Dr. Heyert's current monitor, Dr. Diamond.

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

opposed: none

Swiatoslow Alexander Paduchak CHI1689

Dr. Paduchak submitted Dr. Mark Divini as his proposed monitor. The Board discussed whether other options were necessary.

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

To approve Dr. Mark Divini as the proposed monitor.

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

opposed: none

REACTIVATION APPLICATION

Gary Lasneski – License CHI1464 expired on 3/31/22. 12 CE credits required.

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

To approve the reactivation application and to open a complaint for practicing with an expired license.

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

opposed: none

NEW BUSINESS

Colleen Suchecki – Reactivation Application

License CHI2864 expired on 3/31/22. 12 CE credits required.

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

To approve the reactivation application.

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

opposed: none

PUBLIC COMMENT

Matthew Seitz commented that chiropractors should not be manipulating brain waves and using neurofeedback. He stated he was not satisfied with a slap on the wrist.

CLOSED SESSION

At 12:05 p.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, Connors, Denaro

opposed: none

Investigative Case Conference: [Closed Session: G.L. c. 112, § 65C]

ADJOURNMENT

The meeting adjourned at the conclusion of Closed Session at 12:26 p.m.

Respectfully submitted,

Jaclyn Debs, D.C., Secretary

Board of Registration of Chiropractors

Documents used by the Board during open session:

- *Posted agenda 8/03/2023*
- *Draft public meeting minutes of 6/01/23*
- *Delegation of Authority for Staff Actions Relative to Monitoring License Conditions*
- *Prosecutorial Discretion and Alford Plea Policies*
- *Facility Application T. Jacobs*
- *Petition for Reinstatement, A. Moncton*
- *Second Monitoring Report and Corrective Action Report, H. Heyert*
- *Proposed Monitor, S. A. Paduchak*
- *Reactivation applications, G. Lasneski & C. Suchecki*