

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

FEBRUARY 2, 2017

A regularly scheduled meeting of the Massachusetts Board of Registration of Chiropractors (the Board) was held in Room 1D, 1000 Washington Street, Boston, Massachusetts.

Dr. Storozuk noted a quorum of members present, and the meeting was called to order at 10:03 a.m.

MEMBERS PRESENT:

Dr. Scott Storozuk, Chair
Dr. Dan Reida, Vice Chair
Dr. Kirk Shilts, Secretary
Dr. Lori DeVeuve, Member
Dr. Glenn Dodes, Member
Dr. Marsella Imonti, Member

STAFF PRESENT at Various Times:

Brian Bialas, Executive Director
Ellen D'Agostino, Office of Investigations
Sheila York, Esq., Board Legal Counsel

AGENDA:

Dr. Storozuk reviewed the draft agenda with the Board. Dr. Shilts asked to add to the agenda the following topics: his meeting today at the Group Insurance Commission, the advisory opinion dated 11/23/16 regarding Improper Solicitations, Inducements or Referrals, Proposed Board Education Session, and the DPL phone system. Atty. York reminded the Board that discussion on these topics needs to be limited since they were not on the posted agenda; and if deliberation is required or the matter is of particular interest to the public, the Board should postpone deliberation or action until the topic can be posted on next month's agenda.

Thereafter, a Motion was made by Dr. Reida and seconded by Dr. DeVeuve and it was VOTED (unanimous); **to approve the meeting's agenda with additions.**

PAST MEETING MINUTES:

The Board reviewed the draft meeting minutes of January 5, 2017.

Thereafter, a Motion was made by Dr. Reida and seconded by Dr. DeVeuve and it was VOTED (unanimous, with Dr. Shilts abstaining); **to approve the public meeting minutes of January 5, 2017 as amended.**

NEW & OPEN CASES:

The Board prepared to discuss investigative matters.

Thereafter, a Motion was made by Dr. Reida, and seconded by Dr. Dodes and it was VOTED (unanimous); **to suspend the open meeting at 10:19 a.m. pursuant to MGL c. 112, § 65C and enter into closed investigative conference to hold an investigative conference in CH-16-043 [RV] and to discuss an investigative matter relating to licensee compliance in CH-11-023 [BCC].**

Dr. Dodes recused himself from CH-16-043 [RV] and left the room.

In closed session, a Motion was made by Dr. Shilts and seconded by Dr. Dodes and it was VOTED (unanimous);

to exit closed session and resume open session at 11:44 a.m.

Report of actions taken during closed session:

- **CH-16-043 [RV]** The Board gave direction to staff.
- **CH-11-023 [BCC]** The Board gave direction to staff.

LEGAL REPORT:

Atty. York reviewed the following legal matters with the Board.

- **Proposed Regulation Update to 233 CMR:**
Atty. York said pending final submission of the proposed updated chiropractic regulations (233 CMR) to the Secretary of State's Office, the changes should become effective on February 24th.

CASE MONITORING REPORT:

Dr. Imonti presented her recommendations with regard to the following monitoring documents received:

- **CH-07-044 [JG]** Corrective Action Plan, 12/9/16
- **CH-16-027 [PD]** Corrective Action Plan, 12/16/16

Thereafter, a Motion was made by Dr. Imonti and seconded by Dr. Reida and it was VOTED (unanimous);
to accept Dr. Imonti's recommendations and accept the monitoring documents received in the above cases.

CONTINUING EDUCATION APPLICATIONS REPORT:

Dr. DeVeuve presented her recommendations with regard to the following CE applications received.

Thereafter, a Motion was made by Dr. Shilts and seconded by Dr. Reida and it was VOTED (unanimous);
to accept Dr. DeVeuve's recommendations and approve CE applications # 4755 16-165 through 4825 16-235 as presented.

PUBLIC CORRESPONDENCE:

The Board prepared to discuss a 1/18/17 correspondence from Richard McGovern, D.C. regarding the issue of unlicensed chiropractic assistants.

Drs. Storozuk and Imonti recused themselves from this matter and left the room.

Board members noted that the Board has a policy guideline on the use of unlicensed assistants.

Thereafter, the Board gave direction to Board Counsel in responding to this Advisory Opinion request.

Drs. Storozuk and Imonti returned to the meeting

SCHEDULING:

The Board discussed its meetings schedule for 2017.

Thereafter, a Motion was made by Dr. Shilts and seconded by Dr. Dodes and it was VOTED (majority);
to change the April, May and November 2017 meeting dates to April 13, May 11, and November 9. Dr. DeVeuve and Reida voted against.

NEW BUSINESS:

Items not reasonably anticipated by the Chair 48-hours in advance of the meeting:

- **Meeting with the State Group Insurance Commission (GIC):**

Dr. Shilts informed the Board he is invited to a meeting with GIC Commissioner Roberta Herman to discuss the issue of chiropractic care for children. He shared with the Board a prior April 2008 letter from the Board regarding this topic. He asked if he could speak on behalf of the Board relative to the information contained in the Board letter.

Thereafter, the Board supported the continued dissemination of its 4/24/08 letter, and did not object to Dr. Shilts' representation at today's GIC meeting to speak to this issue.

- **Draft 11/23/16 Advisory Opinion regarding Improper Solicitations, Inducements or Referrals:**

Dr. Shilts asked about the status of this draft Advisory Opinion and when the Board will discuss approving the draft prior to mailing. Atty. York said the Board discussed the matter prior to Dr. Shilts' joining the Board in September and that it has been already mailed.

- **Proposed Board Education Session:**

Dr. Shilts suggested the Board consider inviting an expert in the field of sexual boundaries and resulting victim behaviors to come before the Board for an in-house informational presentation. He noted the inherent difficulty of assessing these types of complaints. He suggested approaching the psychology board for possible information on a potential expert.

- **DPL Telephone System Issues:**

Dr. Shilts expressed his disappointment with the DPL's telephone system and pre-recorded messages that fail to reference the chiropractic board and provide contact information. He said he received numerous complaints about this from the public. Other board members similarly concurred. Mr. Bialas said he is acutely aware of this ongoing problem. He said the DPL's phone system is anticipated to change soon and he hopes the problem will be corrected.

NEW LICENSEE INTERVIEWS:

After the meeting, the following candidates were scheduled to complete their new licentiate orientation/interview with a Board Member:

- Bryan McShea (IL); Brian Sullivan (MA) & Bryan Kent (NY)

ADJOURNMENT:

Dr. Storozuk noted there were no more agenda items.

Thereafter, a Motion was made by Dr. Reida and seconded by Dr. DeVeuve and it was VOTED (unanimous); **to adjourn the February 2, 2017 public meeting of the Board of Registration of Chiropractors at 12:28 p.m.**

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The above minutes were approved during the open meeting held on March 2, 2017.



Brian Bialas, Executive Director

Board of Registration of Chiropractors

Documents used by the Board during open session:

- Meeting agenda for 2/2/17
- Draft minutes of the 1/5/17 public meeting with additional edits from Atty. York
- Corrective Action Plan re: CH-07-044 [JG]
- Corrective Action Plan re: CH-16-027 [PD]
- Email from R. McGovern 1/18/17 re: Unlicensed Assistants
- Board correspondence dated 4/24/08 regarding chiropractic services for children