

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

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

MEMBERS PRESENT:

Dr. Dan Reid, Vice Chair
Dr. Kirk Shilts, Secretary
Dr. Lori DeVeue, Member
Dr. Glenn Dodes, Member
Dr. Marsella Imonti, Member

Absent: Dr. Scott Storozuk

STAFF PRESENT at Various Times:

Brian Bialas, Executive Director
Ellen D'Agostino, Office of Investigations
Sheila York, Esq., Board Legal Counsel
Jordan Maynard, DPL External Affairs Manager

AGENDA:

Dr. Reid reviewed the draft agenda with the Board. Dr. Shilts asked to include an "Executive Director Report" section to each agenda for reporting any last-minute item and agency-related issues. Mr. Bialas said he would do this when he has items to discuss that are not already on the agenda, but Board members may not use this agenda item to insert their own topics. Board Counsel reminded Board members of open meeting law notice requirements. Mr. Bialas asked to add Massachusetts DOT RMV 2017 (revised) Disability Forms and a Chiropractor of Record Interview relative to CH-11-023 to the agenda.

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

PAST MEETING MINUTES:

The Board reviewed the draft meeting minutes of February 2, 2017. Mr. Bialas asked to include the licensee's initials with the docket number for clerical convenience and record the names of Board members who voted in opposition to the motion about scheduling. Dr. Shilts said that other than roll call votes, Roberts Rules of Order does not require naming those who cast opposing votes. Atty. York said it is the agency's preference to do so.

Thereafter, a Motion was made by Dr. Shilts and seconded by Dr. Dodes and it was VOTED (unanimous); **to approve the public meeting minutes of February 2, 2017 as amended.**

CHIROPRACTIC LICENSE APPLICATION:

The Board prepared to discuss the Good Moral Character of candidate for chiropractic licensure Lenea Geyer.

Thereafter, a Motion was made by Dr. Shilts, and seconded by Dr. Imonti and it was VOTED;
to suspend the open meeting at 10:34 a.m. pursuant to MGL c. 30A, § 21(a)(1) and enter into Executive Session to discuss the Good Moral Character rather than professional competence of a candidate for chiropractic licensure.

Members in favor: Imonti, Dodes, DeVeuve, Shilts and Reida; Members opposed: none

Dr. Reida estimated that open session would resume in approximately fifteen (15) minutes.

Open meeting resumed at 10:44 a.m.

NEW & OPEN CASES:

The Board prepared to discuss investigative matters.

Thereafter, a Motion was made by Dr. Shilts, and seconded by Dr. DeVeuve and it was VOTED (unanimous);
to suspend the open meeting at 10:45 a.m. pursuant to MGL c. 112, § 65C and enter into closed investigative conference to discuss 20160606CH043-IT-ENF [RV].

Dr. Dodes recused himself from 20160606CH043-IT-ENF [RV] and left the room

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

to exit closed session and resume open session at 10:50 a.m.

Report of actions taken during closed session:

- **20160606CH043-IT-ENF [RV]** The Board dismissed this complaint with an Advisory Letter.

LEGAL REPORT:

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

- **Regulation Update Promulgation 233 CMR:**

Atty. York said the updated chiropractic regulations (233 CMR) became effective on February 24, 2017 and will be available to the public via the Board's website.

- **Massachusetts Senate Legislative Bills SD#1426 & SD#1433:**

Atty. York said two proposed Senate bills were filed that seek to amend chiropractic enabling statutes relative to the continuing education requirement and chiropractic students. She said Mr. Maynard would like to speak to this matter.

- **DPL Legislative Bill Tracking:**

Mr. Maynard said the DPL has a process for following legislative bills that could affect the professions which the DPL licenses and regulates. He said the DPL is frequently called upon by legislative committees to provide information and comment. Mr. Maynard said in this case, there is no matching bill in the House of Representatives so the process is still extremely preliminary. He said should a significant next step occur, he will report back to the Board.

Dr. Shilts asked if the Board could forward its own legislative proposal relative to amending our chiropractic enabling statutes. He said the Naturopaths just obtained their enabling act and much of their language could be used to help modernize the chiropractic enabling act which is 50-years-old. Mr.

Maynard said that Board members can forward proposals to him for DPL review.

CASE MONITORING REPORT:

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

- **19970714CH003-IT-ENF [EO]** Monitoring Report, 2/13/17 & Corrective Action Plan, 2/22/17
- **20160223CH035-IT-ENF [CH]** Final Monitoring Report, 2/7/17

Thereafter, a Motion was made by Dr. Imonti and seconded by Dr. Shilts and it was VOTED (unanimous); **to accept Dr. Imonti's recommendations and accept the monitoring documents received in the above cases; and also recognize that the probationary period in 20160223CH035-IT-ENF [CH] will effectively conclude on 3/19/17.**

CORRESPONDENCE:

The Board reviewed the following correspondences.

- **National Board of Chiropractic Examiners (NBCE)** 12/22/16 email regarding a call for Board members willing to participate in the June NBCE Part-IV Test Committee and the NBCE Part-IV Exams in May and November.

Thereafter, a Motion was made by Dr. Shilts and seconded by Dr. Dodes and it was VOTED (unanimous); **to submit Dr. DeVeuve as first choice and Dr. Imonti as a second choice, in Dr. DeVeuve's absence, to participate in the NBCE Part-IV Test Committee in June.** Furthermore, the Board also directed the staff to place the selection of Board members to help administer the NBCE Part-IV Exams in May and November on the April meeting agenda.

- **Federation of Chiropractic Licensing Boards (FCLB)** 1/3/17 email regarding designation of a Massachusetts Delegate and Alternate Delegate for the FCLB 2017 Annual Meeting in May.

Thereafter, a Motion was made by Dr. DeVeuve and seconded by Dr. Imonti and it was VOTED (unanimous); **to assign Dr. Dodes as the FCLB Delegate and Dr. Shilts as the FCLB Alternate Delegate for the upcoming 2017/18 term.**

- **National Board of Chiropractic Examiners (NBCE)** 2/10/17 email regarding designation of a Massachusetts Delegate and Alternate Delegate for the NBCE 2017 Business Meeting in May.

Thereafter, a Motion was made by Dr. DeVeuve and seconded by Dr. Imonti and it was VOTED (unanimous); **to assign Dr. Dodes as the NBCE Delegate and Dr. Shilts as the NBCE Alternate Delegate for the upcoming 2017/18 term.**

GENERAL DISCUSSION:

The Board discussed the following topics:

- **New License Orientation/Interviews:**

Mr. Bialas asked about the process of conducting in person orientation/interviews for all candidates for chiropractic licensure. He questioned whether the orientation/interview could be provided in paper after candidates pass the jurisprudence exam. He said at the very least, the Board should develop a policy for participant scheduling including special circumstances. Dr. Shilts referenced a 74.4% reduction in complaints filed against new licensees after implementing the program. The Board directed the staff to place a policy on orientation/interviews on the April meeting agenda.

- **Massachusetts DOT, Registry of Motor Vehicles (RMV) revised 2017 Disability Forms:**

Mr. Bialas said the RMV recently revised its disability forms for obtaining a handicap placard. He said where chiropractic physicians perform disability assessments, the DMV asked the Board to disseminate the new forms among the profession.

NEW BUSINESS:

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

- **Chiropractor of Record (CHoR) Interview, 20101026CH023-IT-ENF [BCC]:**
Mr. Bialas said he received paperwork from the principal in **20101026CH023-IT-ENF** suggesting that the Chiropractic Facility may have a proposed new CHoR candidate present before the Board for an interview. Dr. Reida noted that a check of the area did not reveal that any individual was present for this purpose.
- **Group Insurance Commission (GIC) Meeting:**
Dr. Shilts asked that his recent meeting with the Group Insurance Commission be placed on the April meeting agenda.

NEW LICENSEE INTERVIEWS:

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

- Elise Hamilton (MA) & Lenea Geyer (CT)

ADJOURNMENT:

Dr. Reida noted there were no more agenda items.

Thereafter, a Motion was made by Dr. Dodes and seconded by Dr. Shilts and it was VOTED (unanimous); **to adjourn the March 2, 2017 public meeting of the Board of Registration of Chiropractors at 12:08 p.m.**

The above minutes were approved during the open meeting held on April 13, 2017.



Brian Bialas, Executive Director
Board of Registration of Chiropractors

Documents used by the Board during open session:

- *Meeting agenda for 3/2/17*
- *Draft minutes of the 2/2/17 public meeting*
- *2017 Massachusetts Senate Legislative Bills: SD#1426 & SD#1433*
- *Monitoring Report & Corrective Action Plan re: 19970714CH003-IT-ENF [EO]*
- *Final Monitoring Report re: 20160223CH035-IT-ENF [CH]*
- *Email 12-22-16 from NBCE re: NBCE Part-IV Test Committee and NBCE Part-IV Exam participations*
- *Email 1-3-17 from FCLB re: 2017 Annual FCLB Meeting delegate and alternate delegate designees*
- *Email 2-10-17 from NBCE re: Annual NBCE Business Meeting delegate and alternate delegate designees*
- *Massachusetts DOT, RMV 2017 (revised) Disability Forms and Powerpoint presentation*