

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

**JUNE 1, 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 10:02 a.m.

**MEMBERS PRESENT:**

Dr. Scott Storozuk, Chair  
Dr. Kirk Shilts, Secretary  
Ms. Barbara Bush, Public Member  
Dr. Glenn Dodes, Member  
Dr. Candace Maddalo, Member  
Dr. Peter Martone, Member

Absent: Dr. Marsella Imonti

**STAFF PRESENT at Various Times:**

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

**CHAIRMAN'S MESSAGE:**

Dr. Storozuk welcomed new member Dr. Peter Martone to the Board.

Dr. Storozuk expressed an appreciation for public service from former member Dan Reida, D.C.

**AGENDA:**

Dr. Storozuk reviewed the draft agenda with the Board.

Dr. Shilts asked to include mention of an upcoming meeting he was asked to attend under new business. Dr. Shilts explained that he only learned of the meeting last week and that the Chair was out of town limiting his ability to include it on the agenda. Atty. York reminded Board members of the open meeting law requirement that any topic which the Chair reasonably anticipates will be discussed at the board meeting must be listed on the public notice of the meeting at least 48 hours prior to the meeting.

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

**PAST MEETING MINUTES:**

The Board reviewed the draft meeting minutes of May 11, 2017.

Thereafter, a Motion was made by Dr. Shilts, seconded by Dr. Dodes and VOTED (unanimous);  
**to approve the public meeting minutes of May 11, 2017 as drafted.**

### **BOARD OFFICER NOMINATIONS:**

Dr. Storozuk asked for nominations for the position of Board Chairman for the 2017/18 fiscal year.

Dr. Shilts nominated himself. Dr. Dodes nominated himself.

Both Drs. Shilts and Dodes took the opportunity to address the Board.

The Board discussed the position and purpose of Board Vice Chair.

Dr. Shilts stated that the position is not specifically identified in statute.

Thereafter, a Motion was made by Dr. Shilts, seconded by Dr. Maddalo and VOTED (rejected);

**to not entertain nominations for the position of Vice Chair.**

*Members in favor: Shilts & Bush; Members opposed: Dodes, Maddalo & Martone; Dr. Storozuk abstained from voting.*

Dr. Storozuk asked for nominations for the position of Board Vice Chair for the 2017/18 fiscal year.

Dr. Shilts nominated Dr. Dodes. Dr. Dodes nominated Dr. Storozuk.

Dr. Storozuk took the opportunity to address the Board.

Dr. Storozuk asked for nominations for the position of Board Secretary for the 2017/18 fiscal year.

Dr. Shilts nominated Dr. Imonti. Dr. Dodes nominated Dr. Shilts.

Atty. York reminded Board members not to discuss board business including the election of board officers with each other outside of a Board meeting.

### **NEW & OPEN CASES:**

The Board prepared to discuss investigative matters.

Thereafter, a Motion was made by Dr. Maddalo, seconded by Dr. Dodes and VOTED (unanimous);

**to suspend the open meeting at 10:40 a.m. pursuant to MGL c. 112, § 65C and enter into closed investigative conference to discuss new cases.**

*Open session resumed at 11:49 a.m.*

Report of actions taken during closed session:

- **2016-000721-IT-ENF [TW]** The Board tabled action on this case. Atty. York was not present during the discussion of this case and did not participate in the matter.
- **2016-000935-IT-ENF [JV]** Sent to the Office of Prosecutions.
- **2016-000611-IT-ENF [DG]** Dismissed without prejudice.

*Dr. Maddalo left the meeting at 11:52 a.m.*

### **CHIROPRACTOR OF RECORD WAIVER:**

#### **2017-16-CH-CF-APP [McGovern Chiropractic Family and Sport]**

The Board prepared to discuss the waiver application of Matthew McGovern, D.C. to serve as Chiropractor of Record for this chiropractic facility application. Dr. McGovern appeared before the Board to discuss his request.

Thereafter, a Motion was made by Dr. Shilts, seconded by Dr. Dodes and VOTED (unanimous);

**to grant a waiver to Dr. Matthew McGovern to serve as Chiropractic of Record for this facility.**

**CHIROPRACTOR OF RECORD APPROVAL:**  
**116-CH-CF [Boston Community Chiropractic (BBC)]**

The Board prepared to discuss the facility owner's selection of Marc Marshall, D.C. to serve as Chiropractor of Record for this Chiropractic Facility. Dr. Marshall appeared before the Board to discuss serving as the CHoR at BCC. Board members asked Dr. Marshall about his prior experience as the CHoR at BCC and his plans for ensuring that BCC addressed clinical and record keeping deficiencies noted by its monitor.

Thereafter, a Motion was made by Dr. Shilts, seconded by Dr. Dodes and VOTED (unanimous);  
**to deny the selection of Dr. Marc Marshall as Chiropractic of Record for this facility.**

As reasons for his motion, Dr. Shilts noted that BCC was currently on probation and that in his prior term as the facility's CHoR, Dr. Marshall had not been effective in addressing the clinical deficiencies identified by the monitor and failed to ensure that the facility license was timely renewed.

**LEGAL REPORT:**

Atty. York discussed the following matters with the Board.

- **Legislative Update:**  
Atty. York indicated that she had no update on pending legislation involving the chiropractic licensing law.
- **Regulation Implementation Update:**  
Atty. York informed the Board that she and Board staff were reviewing facility application forms to modify them as necessary to incorporate the recently revised regulatory requirements.

Dr. Shilts asked Atty. York whether chiropractic facility renewal applications would be reviewed at renewal to determine whether the owners of those facilities meet the terms of 233 CMR 5.00 as revised this past February. Atty. York explained that current facilities are subject to the revised Section 5.00 and discussed due process procedures. She explained that if the Board received evidence that called into question a facility's compliance with the revised regulations, the allegations would be assessed through the complaint and adjudicatory process.

**CASE MONITORING:**

The Board prepared to consider the following monitoring document received:

- **19970714CH003-IT-ENF [EO]** Monitoring Report (5/8/17).

Atty. York noted that if Board members needed to use this document at the meeting or engage in substantive discussions about the report, the Board should enter Executive Session. When queried, Board members did not anticipate the need to discuss this document.

Thereafter, a Motion was made by Dr. Dodes, seconded by Dr. Martone and VOTED (unanimous);  
**to accept the submitted monitoring document in this case.**

**NEW BUSINESS:**

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

- **Massachusetts Executive Office of Health and Human Services (HHS):**  
Dr. Shilts gave notice of an invitation to attend a 6/22/17 meeting before HHS regarding potential changes to the state's Community Health Centers and MassHealth regulations. Dr. Shilts said he would not be representing the Board at this meeting and so disclosed. He said he will report back about this matter

during the Board's next scheduled meeting.

**CORRESPONDENCE:**

- **Automobile Insurance Bureau Report (5/20/17)**

Atty. York said the nature of this report suggests that the Board should go into closed session to discuss this document.

Thereafter, a Motion was made by Dr. Dodes, seconded by Dr. Martone and VOTED (unanimous); **to suspend the open meeting at 12:34 p.m. pursuant to MGL c. 112, § 65C and enter into closed investigative conference to review a 5/9/17 report from the Massachusetts Automobile Insurance Bureau.**

*Open session resumed at 12:46 p.m.*

**NEW LICENSEE INTERVIEWS:**

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

- Brian Connell (MA) & Saman Pezeshki (MA)

**ADJOURNMENT:**

Dr. Storozuk noted there were no more agenda items.

Thereafter, a Motion was made by Dr. Martone, seconded by Dr. Maddalo and VOTED (unanimous); **to adjourn the June 1, 2017 public meeting of the Board of Registration of Chiropractors at 12:46 p.m.**

\* The above minutes were approved during the open meeting of the Board held on August 3, 2017



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Brian Bialas, Executive Director  
Board of Registration of Chiropractors

*Documents used by the Board during open session:*

- *Meeting agenda for 6/1/17*
- *Draft minutes of the 5/11/17 public meeting*
- *Chiropractic Facility License Application Waiver re: 2017-16-CH-CF-APP [MFC&S]*
- *Chiropractic Facility, Chiropractor of Record Acknowledgment re: 116-CH-CF [BCC]*