

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

SEPTEMBER 7, 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. Shilts noted a quorum of members present, and the meeting was called to order at 10:07 a.m.

MEMBERS PRESENT:

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

STAFF PRESENT at Various Times:

Brian Bialas, Board Executive Director
Richard Lawless, Board Associate Executive Director
Sheila York, Esq., Board Legal Counsel
Alan Van Tassel, Office of Investigations
James Read, Chief Prosecutor

CHAIRMAN'S MESSAGE:

Dr. Shilts said he was thankful to be chair and hoped to accomplish a few things during his tenure. He said he recently had the opportunity to observe the Florida Chiropractic Licensing Board, which operates differently from boards in New Hampshire, Rhode Island, and Connecticut which he has also visited. He mentioned the upcoming regional meeting of the Federation of Chiropractic Licensing Boards in Canada and hoped other Board members will attend. He said the annual FCLB meeting in May has scholarship opportunities for Executive Directors and hopes in the future one of our directors can attend. Finally, he expressed his appreciation for all the work that board staff performs.

AGENDA:

Dr. Shilts reviewed the draft agenda with the Board. There were no additions to the agenda.

Thereafter, a Motion was made by Dr. Dodes, seconded by Dr. Martone, and VOTED (unanimous);
to approve the meeting's agenda as drafted.

PAST MEETING MINUTES:

The Board reviewed the draft meeting minutes of August 3, 2017. Dr. Shilts presented proposed corrections to the minutes.

Thereafter, a Motion was made by Dr. Storozuk, seconded by Dr. Dodes, and VOTED (unanimous);
to approve the public meeting minutes of August 3, 2017 as amended.

HANDOUTS:

Mr. Lawless distributed reference booklets which include copies of the chiropractic enabling statutes, board regulations, policy guidelines, the new licensee interview outline, ethics forms, travel forms and board meeting calendar.

NEW & OPEN CASES:

The Board prepared to discuss investigative matters.

Thereafter, a Motion was made by Dr. Dodes, seconded by Dr. Martone and VOTED (unanimous); **to suspend the open meeting at 10:28 a.m. pursuant to MGL c. 112, § 65C and enter into closed investigative conference to discuss cases and investigative matters for approximately 30 minutes.**

Report of actions taken during closed session:

- **2017-000482-IT-ENF [MC]** The Board conducted an investigatory interview.
- **Auto Insurance Bureau Report** DPL Chief Prosecutor James Read addressed the Board regarding the 2017 report.
- **2017-000515-IT-ENF [CQ]** Dismissed without prejudice.

Open session resumed at 11:29 a.m.

LEGAL REPORT:

Atty. York discussed the following matters with the Board.

- **New Applicant Interview Process Policy:**
The Board discussed whether the Chair should have sole authority to approve a request for a phone interview. Dr. Shilts asked to table this matter since copies of his recommended language was not provided to the Board.

Thereafter, a Motion was made by Dr. Shilts, seconded by Dr. Dodes, and VOTED (unanimous); **to table action on this matter until a future meeting.**

CASE MONITORING:

Dr. Shilts asked Atty. York why monitoring reports are not treated as a public meeting document. Atty. York said in most cases the Board does not use the details from the reports during the meeting and therefore they do not become a public record used during the meeting. She said some of the reports contain personal information that may be sensitive. Dr. Shilts said monitoring reports should focus on the specific disciplinary issues to its case, and the monitoring report templates should be revised. Dr. Shilts invited public comment.

Dr. Mark Davini said his monitoring reports are based on language in the corresponding consent agreement, and he would tailor his future monitoring reports to more specific criteria if that criteria is specified in the consent agreement.

The Board prepared to consider the following monitoring documents received:

- **20060926CH044-IT-ENF [JG]** 7th Quarterly Monitoring Report Corrections Letter (6/16/17)

8th Quarterly Monitoring Report (8/21/17)

Dr. Imonti reported her recommendation to accept the 7th Quarterly Monitoring Report Corrections Letter and the 8th Quarterly Monitoring Report.

Thereafter, a Motion was made by Dr. Imonti, seconded by Dr. Dodes, and VOTED (unanimous); **to accept the 7th quarterly monitoring report corrections letter dated 6/16/17 and the 8th quarterly monitoring report dated 8/21/17.**

- **20160502CH042-IT-ENF [MT]** Compliance Assessment Report (8/4/17)
Correction Action Report (8/10/17)

Dr. Shilts said unfortunately this compliance report was not tailored to the violations committed, but understandable based on the language of the consent agreement.

Dr. Imonti reported her recommendation to accept the monitor's Compliance Assessment Report.

Thereafter, a Motion was made by Dr. Imonti, seconded by Dr. Maddalo, and VOTED (majority, with Dr. Shilts opposed); **to accept the Compliance Assessment Report dated 8/4/17.**

Dr. Imonti reported her recommendation to accept the licensee's Corrective Action Report.

Thereafter, a Motion was made by Dr. Imonti, seconded by Dr. Shilts, and VOTED (unanimous); **to accept the Corrective Action Report dated 8/10/17.**

REINSTATEMENT:

The Board reviewed the following request for reinstatement:

- **Dr. Michael Marino:**
Dr. Marino has requested reinstatement of his license after many years. He provided the Board with certificates for 210 hours of continuing education credits, not including those for acupuncture courses. After a review of the course certificates by Dr. Storozuk, he said the courses are acceptable based on the Board's continuing education regulations.

Thereafter, a Motion was made by Dr. Dodes, seconded by Dr. Storozuk, and VOTED (unanimous); **to accept the submitted 210 hours of CE credits and allow Dr. Marino to move forward with reinstatement of his Massachusetts license.**

The Board discussed whether CE courses on procedures that are not within the Chiropractic scope of practice in Massachusetts can qualify toward the annual CE requirement when the information learned would nevertheless enhance the clinical knowledge of the chiropractor. The Board reviewed 233 CMR 3.03 which specifically prohibits these continuing education courses. Although taking CE courses on procedures outside of the scope of practice could be of value to licensees, they could not be taken for credit because the procedures are outside of the scope of practice.

GENERAL DISCUSSION:

The Board discussed the following topics:

- **Proposed Revisions to Monitoring Reports**

Dr. Shilts asked board members to come up with sample questions for discussion at next month's meeting

in regards to sensitivity and ethical issues.

- **Continuing Education Guideline Development**

The Board discussed creating a policy guideline about the CE regulatory requirement involving more clear descriptions of its various terms.

Dr. Shilts invited public comment.

Dr. Thomas Sullivan recommended the Board approve courses sponsored by the American Chiropractic Association or International Chiropractic Association to model the continuing education standards set by the American Medical Association. He also spoke in favor of allowing all supportive procedures including (dry needling) acupuncture.

Dr. Mark Davini spoke to the importance of having knowledge of any medical procedure, including those outside the scope of practice, in order to understand their relation to chiropractic treatment.

Dr. Albert Kalter said the Board's continuing education regulation was purposefully made broad for the reasons Dr. Davini spoke about. Atty. York advised that if the Board wants to accept courses for CE credit relating to out-of-scope procedures, the Board should change its regulation.

- **Licensure Recommendations to DPL on Temporary Licensure, Student Preceptorships and Chiropractic Assistants**

Dr. Shilts addressed said the Board should consider the topics of temporary licensure, student preceptorships and chiropractic assistants for the administration, through the DPL, to promote to the state legislature. He said the Federation of Chiropractic Licensing Boards (FCLB) had model language for temporary licensure and chiropractic assistants. Dr. Shilts said there is a bill before Congress regarding temporary licensure for health providers with sports teams.

Dr. Shilts asked the Board for additional topics about chiropractic practice that may require legislation.

Dr. Martone said he would like to begin discussions about chiropractors being able to perform pre-participation sports physicals. Dr. Maddalo stated she would like further discussions on being able to perform Department of Transportation (DOT) examinations for school bus drivers.

Dr. Shilts invited public comment.

Dr. Albert Kalter said that Massachusetts state law would need to parallel federal law to allow DOT physicals on Massachusetts school bus drivers.

NEW LICENSEE INTERVIEWS:

After the meeting, the following candidates were scheduled to complete their new licensee orientation/interview with Dr. Shilts:

- Soon Ng (New York), Timothy Simansky (Pennsylvania), Delghir Urubshurow (Maryland), and Kristen Bova (Massachusetts)

ADJOURNMENT:

Dr. Shilts noted there were no more agenda items.

Thereafter, a Motion was made by Dr. Storozuk, seconded by Dr. Maddalo, and VOTED (unanimous);
to adjourn the September 7, 2017 public meeting at 1:02 p.m.

*The above minutes were approved during the open meeting of the Board held on October 5, 2017.



Brian Bialas, Executive Director
Board of Registration of Chiropractors

Documents used by the Board during open session:

- *Meeting Agenda for 9/7/17*
- *Draft minutes of the 8/3/17 public meeting*
- *Draft of New Applicant Interview Process Policy*
- *Continuing Education Documentation from Michael Marino, D.C.*
- *Monitoring Report Questions from Kirk Shilts, D.C.*