

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

SEPTEMBER 6, 2018

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

Dr. Dodes noted a quorum of members present and the meeting called to order at 10:09 a.m.

MEMBERS PRESENT:

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

STAFF PRESENT at Various Times:

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

CHAIRMAN'S MESSAGE:

Dr. Dodes welcomed the members, staff and the public to the meeting. He also thanked Dr. Maddalo for coming in last month to conduct the new candidate orientation/ interviews.

AGENDA:

Dr. Dodes reviewed the draft agenda with the Board.
Dr. Dodes asked to have his Massachusetts Chiropractic Society Fall 2018 report added under New Business.
Dr. Shilts asked to have a Public Comment period added and also included in every meeting agenda.

Thereafter, a motion was made by Dr. Maddalo, seconded by Dr. Storozuk and VOTED (unanimous);
to approve the meeting's agenda as amended.

CONFLICT OF INTEREST REMINDER:

Atty. York briefly reviewed the state's conflict of interest process and procedures for handling Board member recusals.

PAST MEETING MINUTES:

The Board reviewed the draft public meeting minutes of July 19, 2018 with suggested edits from Atty. York.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Storozuk and VOTED (unanimous);
to approve the public meeting minutes of July 19, 2018 as amended.

NEW & OPEN CASES:

The Board prepared to discuss investigative matters.

Thereafter, a motion was made by Dr. Freedman, seconded by Dr. Maddalo and VOTED (unanimous); **to enter into Closed Session under G.L. c. 112, s. 65C at 10:21 a.m. for the purpose of discussing investigatory matters.**

Dr. Dodes estimated that closed session would last for about ninety minutes.

Open Session resumed at 11:46 a.m.

During Closed Session the Board took the following actions:

- **2018-000164-IT-ENF [WL]** – Sent to the Office of Prosecutions
- **2018-000184-IT-ENF [HPCC]** – Postponed to future meeting
- **2018-000414-IT-ENF [PM]** – Dismissed
- **2018-000579-IT-ENF [EL]** – Sent to the Office of Prosecutions
- **2018-000640-IT-ENF [DB]** – Approved Advisory Letter
- **2018-000666-IT-ENF [JD]** – Dismissed (*Dr. Dodes was recused from this matter*)
- **2018-000692-IT-ENF [KC]** – Postponed to future meeting

OPEN CASES:

The Board prepared to discuss a quasi-judicial matter.

Thereafter, a motion was made by Dr. Martone, seconded by Dr. Storozuk and VOTED (unanimous); **to enter into Closed Session under G.L. c. 30A, s. 18 at 11:47 a.m. for the purpose of discussing an open quasi-judicial matter.**

Dr. Maddalo recused herself from this matter and left the room.

Dr. Dodes estimated that closed session would last for about ten minutes.

Open Session resumed at 11:56 a.m.

During Closed Session the Board took the following action:

- **2017-001481-IT-ENF [EO] and 2018-000228-IT-ENF [EO]** – Denied request for reconsideration

LEGAL REPORT:

Atty. York discussed the following matters with the Board:

- **Patient Record Regulations Update:** No report.
- **Proposed Regulation Update:**
Atty. York reviewed new draft language for converting the New Candidate Orientation/Interview into a continuing education requirement for a new licensee's first registration period.

Thereafter, the Board gave Atty. York further direction.

CASE MONITORING:

- **2016-0111CH033-IT-ENF [SF]**
The Board discussed concerns that licensee may be failing to comply with consent agreement terms.
Thereafter, the Board gave staff direction.

- **2015-1116CH027-IT-ENF [PD]**

The Board reviewed a request from the licensee to terminate probation.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Maddalo and VOTED (unanimous);
to terminate probation in this case.

- **2006-0926CH044-IT-ENF [JG]**

The Board reviewed a 12th quarterly monitoring report and a request from the licensee to terminate probation.

Thereafter, a motion was made by Dr. Maddalo, seconded by Dr. Shilts and VOTED (unanimous);
to accept a 07/31/18 monitoring report, and terminate probation in this case on September 9, 2018.

CORRESPONDENCE:

The Board reviewed the following received email correspondences:

- **Dr. Sam Shay; 06/26/18; RE: Nutritional Telemedicine:**

The Board reviewed Dr. Shay's reply to Atty. York's prior email.

Thereafter, the Board gave direction to staff that chiropractic services provided in Massachusetts must be from a Massachusetts licensed chiropractor.

- **Dr. Scott Thorpe; 08/22/18; RE: Radiology Specialist Reviews:**

The Board reviewed Dr. Thorpe's question about providing radiographic reviews to Massachusetts chiropractors.

Thereafter, the Board gave direction to staff that a licensed Massachusetts chiropractor is responsible to assess and consider any second opinion solicited from another health care provider.

GENERAL DISCUSSION:

The Board discussed the following topics:

- **Monitoring Questions:** Postponed to a future meeting

NEW BUSINESS:

- **Massachusetts Chiropractic Society (MCS) Fall 2018 Board Report:**

Dr. Dodes discussed his proposed report to the MCS. He said timing prohibited its inclusion in the Board package and he forgot to bring a copy to the meeting. He asked staff to email a copy to Board members.

PUBLIC COMMENT PERIOD:

- Thomas Sullivan, D.C.

Dr. Sullivan asked the Board to review its Policy Guidelines on a regular basis.

NEW LICENSEE INTERVIEWS:

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

- Dylan Pyne (MA).

On August 2, 2018, the following candidates completed their new licensee orientation/interview with Dr. Maddalo:

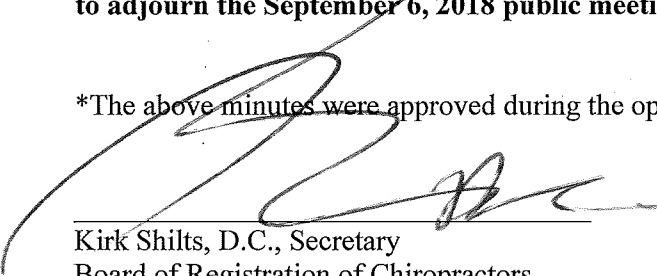
- Michelle Mountain, Andrew Welsch, Mallory McQuillen, Rich Baez, Sarah Graham, Rebecca Brooks

ADJOURNMENT:

Dr. Dodes noted there were no more agenda items.

Thereafter, a motion was made by Dr. Martone, seconded by Dr. Freedman and VOTED (unanimous);
to adjourn the September 6, 2018 public meeting at 12:50 p.m.

*The above minutes were approved during the open meeting of the Board held on October 4, 2018.



Kirk Shilts, D.C., Secretary
Board of Registration of Chiropractors

Documents used by the Board during open session:

- *Proposed meeting agenda for 8/6/18*
- *Draft public meeting minutes from 7/19/18 with edits*
- *Proposed new language to regulation 233 CMR 3.01*
- *Email correspondence from Dr. Sam Shay dated 6/26/18 RE: Nutritional Telemedicine*
- *Email correspondence from Dr. Scott Thorpe dated 8/22/18 RE: Radiologist Reports*
- *2016-0111CH033-IT-ENF [SF], Proposed List of Monitors*
- *2015-1116CH027-IT-ENF [PD], Request to Terminate Probation*
- *2006-0926CH044-IT-ENF [JG], 12th Quarterly Monitoring Report*
- *2006-0926CH044-IT-ENF [JG], Request to Terminate Probation*