

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

NOVEMBER 15, 2018

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

Dr. Dodes noted a quorum of members present and the meeting called to order at 10:03 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 Acting Executive Director
Sheila York, Esq., Board Legal Counsel
Ellen D'Agostino, Office of Investigations
James Read, Esq., Chief Prosecutor
Julie Brady, Esq., Health Care Fraud Office

CHAIRMAN'S MESSAGE:

Dr. Dodes said due to this meeting's schedule, December's meeting may likely be cancelled.

CONFLICT OF INTEREST REMINDER:

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

AGENDA:

Dr. Dodes reviewed the draft agenda with the Board.

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

PAST MEETING MINUTES:

The Board reviewed the draft public meeting minutes of October 4, 2018.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Storozuk and VOTED (unanimous);
to approve the public meeting minutes of October 4, 2018 as amended.

DISCUSSION:

The Board prepared to discuss the topic of Dry Needle Myotherapy vs. Acupuncture.

Dr. Marsha Krohn presented before the Board to discuss the differences between myofascial dry needling and

Acupuncture. She said dry needle myotherapy is the insertion of solid monofilament needles into muscular trigger points for diagnostic and therapeutic purposes. She said she recently attended a continuing education program on myofascial dry needling sponsored by Western States Chiropractic College held in Connecticut. Dr. Krohn said she took classes on traditional Acupuncture while a chiropractic student at National Chiropractic College and is therefore very familiar with the principles and practice of Acupuncture. She disclosed she does not have a Massachusetts Acupuncture license. She said Acupuncture is a distinct health profession that follows specific protocols for broad conditions. She said differences are in why, where and how its needles are applied to a patient. Dr. Krohn said dry needle myotherapy is a supportive procedure to affect muscular trigger points in support of the chiropractic adjustment. Dr. Krohn said while she was a member of the Board a few years ago, a policy guideline on dry needling was developed but never brought to the Board for a vote. Dr. Krohn provided handouts and reference material about myofascial dry needling for the Board to review.

Dr. Shilts said a majority of states permit chiropractors to perform Acupuncture and/or myofascial dry needling. Atty. York referred the Board to the statutory definition of chiropractic. Dr. Shilts said chiropractic education includes human anatomy/dissection and palpation of trigger points, as well as safe needle techniques for performing blood work. Dr. Shilts said physical therapists are permitted by statute to perform dry needling in the Commonwealth. He said physicians are statutorily permitted to perform Acupuncture as well as dry needling in Massachusetts, which he believes includes chiropractic physicians – but adding this issue is for discussion for another day. Dr. Storozuk said chiropractic graduates are knowledgeable and equipped to perform myofascial dry needling, but it would be helpful for practitioners to take a class like Dr. Krohn took to become current.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Storozuk and VOTED (unanimous); **to state that myofascial dry needling as a supportive procedure is different than Acupuncture and is not prohibited under the scope of chiropractic in Massachusetts.**

Furthermore, a motion was made by Dr. Martone, seconded by Dr. Freedman and VOTED (unanimous); **to develop an educational policy guide on Myofascial Dry Needling.**

NEW & OPEN CASES:

The Board prepared to discuss open and investigative matters.

Thereafter, a motion was made by Dr. Martone, seconded by Dr. Freedman and VOTED (unanimous); **to enter into Closed Session under G.L. c. 112, s. 65C at 10:38 a.m. for the purpose of discussing open and investigatory matters.**

Dr. Dodes estimated that closed session would last about sixty minutes.

Open Session resumed at 11:41 a.m.

During Closed Session the Board took the following actions:

- **2018-000184-IT-ENF [HPCC]** – Sent to Office of Prosecutions
- **2018-000692-IT-ENF [KC]** – Postponed
- **2018-000667-IT-ENF [RR]** – Postponed

LEGAL REPORT:

Atty. York discussed the recently enacted federal Sports Medicine Licensure Clarity Act with the Board. She said if questions arise the Division could consider developing a guidance document.

CASE MONITORING:

- **2016-0111CH033-IT-ENF [SF]**

The Board discussed proposed monitors in this case.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Maddalo and VOTED (with Dr. Dodes abstaining);

to accept the two candidates for clinical monitor submitted by the licensee in this case.

CORRESPONDENCE:

The Board discussed the following received correspondences.

- **Letter from M. Megehee RE: FAA Basic Medical Exams**

Thereafter, the Board gave direction to staff.

- **Email from J. Burke RE: Infrared Sauna, Halotherapy & Float Therapy**

Thereafter, the Board gave direction to staff stating that these services are not prohibited, provided the chiropractor follows applicable rules and regulations, including the supportive procedure regulation.

INVESTIGATIVE CONFERENCE:

The Board prepared to discuss settlement offers and the AIB report in investigative conference.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Martone and VOTED (unanimous); **to enter into Closed Session under G.L. c. 112, s. 65C at 12:02 p.m. for the purpose of discussing settlement terms and open investigatory matters.**

Dr. Dodes estimated that closed session would last about sixty minutes.

Open Session resumed at 1:05 p.m.

During Closed Session the Board took the following actions:

- **2017-001218-IT-ENF [TP]** – Dismissed
- **2017-001377-IT-ENF [JE]** – Dismissed with Advisory Letter (*note: Mr. Lawless excused himself from this matter and left the room*)
- **AIB Report** – Discussed and gave further direction to staff.

PUBLIC COMMENT PERIOD:

- None offered

NEW LICENSEE INTERVIEWS:

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

- Christina Andrie; Justin Austin; Katelyn Thomas; and Sean Bryan

On December 6, 2018, the following candidates are scheduled to complete their new licentiate orientation/interview with Dr. Maddalo:

- Conner Laraway

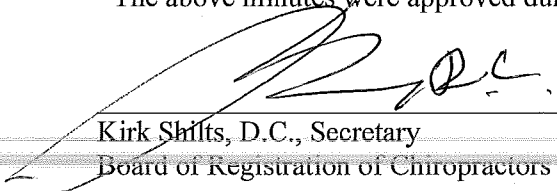
ADJOURNMENT:

Dr. Dodes noted there were no more agenda items.

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

to adjourn the November 15, 2018 public meeting at 1:05 p.m.

*The above minutes were approved during the open meeting of the Board held on January 3, 2019.



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

Documents used by the Board during open session:

- *Proposed meeting agenda for 11/15/18*
- *Draft public meeting minutes from 10/4/18*
- *Sports Medicine Licensure Clarity Act of 2018 document*
- *Letter from M. Megehee dated 1/30/18*
- *Email from J. Burke dated 11/6/18*

The following documents were provided to the Board:

- *Patient Information and Consent for Dry Needling as a Procedure for the Assessment & Treatment of Myofascial Triggers Points & Tender Points (International Journal of Sports Physical Therapy, 2015)*
- *The Needle Effect on the Relief of Myofascial Pain (Pain, 1979)*