

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

JUNE 7, 2018

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 10:06 a.m.

MEMBERS PRESENT:

Dr. Kirk Shilts, Chair
Dr. Glenn Dodes, Vice Chair
Dr. Scott Storozuk, Secretary
Ms. Barbara Bush, Public Member
Dr. Gabrielle Freedman, 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
Ellen D'Agostino, Office of Investigations
Jacob Stansell, DPL Legal Intern

CHAIRMAN'S MESSAGE:

Dr. Shilts reviewed his original goals when he became chairman last year which were to promote chiropractic's holistic form of care, and reduce barriers from state-agencies that prohibit licensees from providing school bus driver examinations, concussion return-to-play assessments, and school athletic examinations.

STAFF CHANGES:

Mr. Bialas said he has been promoted to a new position which will limit his time with the Board. He expressed appreciation in working with the chiropractic board over the past years.

CONFLICT OF INTEREST REMINDER:

Atty. York reviewed the general policy regarding the recusal process for board members. She said if any board member or a family member has a financial interest in any matter that comes before the Board, the member must recuse themselves from that matter. The state ethics law prohibits a board member from participating in a matter when the member has a conflict of interest or an appearance of a conflict of interest. She said if a board member is aware of facts that may present an appearance of a conflict of interest, the member should consult with Board Counsel or contact the State Ethics Commission directly prior to participating in the matter.

AGENDA:

Dr. Shilts reviewed the draft agenda with the Board.

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

to approve the meeting's agenda as drafted.

BOARD OFFICER INTEREST TO SERVE:

Dr. Dodes announced his interest to run for Chairman.

Dr. Storozuk and Dr. Martone both indicated their interest in running for Vice-Chair.

Dr. Shilts said he would accept a nomination for Secretary if no other board member was interested in serving.

PAST MEETING MINUTES:

The Board reviewed the draft meeting minutes of May 10, 2018. Dr. Shilts proposed changes 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 May 10, 2018 as amended.

NEW & OPEN CASES:

The Board prepared to discuss investigative matters.

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

to enter into Closed Session under G.L. c. 112, s. 65C at 10:36 a.m. for the purpose of discussing open investigatory matters.

Dr. Shilts estimated that closed session would last for about one hour.

Open Session resumed at 11:19 a.m.

During Closed Session the Board took the following actions:

- **2017-0001482-IT-ENF [SB]** – Dismissed.
- **2018-000184-IT-ENF [HPCC]** - Direction was given to staff.
- **2018-000164-IT-ENF [WL]** - An investigative update was provided to the Board.

LEGAL REPORT:

Atty. York discussed the following matters with the Board:

- **Patient Record Regulations Update:**
The regulation changes are pending review by the DPL.
- **FAA Basic Medical Examinations for Private Pilots:**
Legal research is needed on this issue to assure that chiropractors may provide these examinations.

CHIROPRACTOR OF RECORD WAIVER REQUEST:

Dr. Seth Wytrwal was interviewed by the Board regarding his request to serve as Chiropractor of Record for McCauley Chiropractic in Gardner, MA.

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

to grant a waiver to Seth Wytrwal, D.C. to serve as the Chiropractor of Record for McCauley Chiropractic.

CASE MONITORING:

The Board prepared to discuss case monitoring reports.

- **20060926CH044-IT-ENF [JG]** - 5/26/18 Monitoring Report, and 5/16/18 Monitoring Report Corrections Letter.

Thereafter, a Motion was made by Dr. Dodes, seconded by Dr. Maddalo and VOTED (unanimous); **to accept the Monitoring Report dated 5/26/18.**

Thereafter, a Motion was made by Dr. Dodes, seconded by Dr. Freedman and VOTED (unanimous); **to accept the Monitoring Report Corrections Letter dated 5/16/18.**

- **19970714CH003-IT-ENF [EO]** - 5/26/18 Monitoring Report and (undated) 7th Monitoring Report.

Dr. Maddalo was recused from the (above) discussion and left the room.

Direction was given to inform the licensee and monitor that monitoring is not required while a license is suspended.

GENERAL DISCUSSION:

The Board discussed the following topics:

- **Solo Practice Questionnaire:**

The Board reviewed the Solo Practice Questionnaire and suggested several edits. The edits included adding the term “licensed” where appropriate, and replacing “place, office or establishment” in question 2 with “business entity.” The Board also discussed minor clarifying edits to Questions 4, 6 and 7. The Board gave direction to staff to bring the revised questionnaire to the Board for future review.

- **CE Guideline Policy:**

A discussion took place about adopting the suggested edits to the draft policy regarding CE courses and CE sponsor approvals. Atty. York asked to obtain the list of associations identified by the Congress of Chiropractic State Associations (COCSA) in the Course Sponsor section. Dr. Shilts said COSCA recently changed directors and he would contact them to obtain the list.

Thereafter, a Motion was made by Dr. Dodes, seconded by Dr. Maddalo and VOTED (unanimous); **to adopt the CE Guideline policy as amended.**

- **Compliance Plans:**

The Board suggested several edits to the Compliance Plan document, noting that it would be a reference tool for potential use in disciplinary cases rather than a policy guideline. No action was taken.

- **Monitoring Questions:**

This item was postponed.

PUBLIC COMMENT PERIOD:

- Dr. Tom Sullivan commented that chiropractors are recognized as “physicians” under the United States Social Security Administration, which like the FAA, is a federal agency.

CHIROPRACTOR OF RECORD APPROVAL:

The Board prepared to discuss a Chiropractor of Record application.

Thereafter, a Motion was made by Dr. Martone, seconded by Dr. Freedman and VOTED (by roll-call vote); **to suspend the open meeting and enter into Executive Session at 12:46 p.m. pursuant to GL c. 30A, s.21(a)(7), to protect the confidentiality of documents relating to a licensee's character as authorized by G.L. c. 4, 7, para. 26(a) and (c) and G.L. c. 6, s. 172.**

Members in favor: Shilts, Dodes, Storozuk, Bush, Freedman, Maddalo, and Martone. Members opposed: none.

Dr. Shilts estimated that the public session would resume in ten minutes.

Open session resumed at 1:09 p.m.

LICENSE REINSTATEMENT:

The Board reviewed the following request for reinstatement of an inactive license:

- **Dr. Patricia Tamburro:**

Mr. Lawless said that Dr. Tamburro needed 144 hours of continuing education credits. After a review by Dr. Martone, he confirmed that the licensee had the necessary credits.

Thereafter, a Motion was made by Dr. Martone, seconded by Dr. Dodes and VOTED (unanimous); **to approve the submitted CE credits from Dr. Tamburro for license reinstatement.**

NEW LICENSEE INTERVIEWS:

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

- Farrell Jolly (MA), Donald Levin (MA), Jason Grimard (FL), and Mark Rubins (CA).

ADJOURNMENT:

Dr. Shilts 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 7, 2018 public meeting at 1:11 p.m.**

*The above minutes were approved during the open meeting of the Board held on July 19, 2018.



Richard Lawless, Associate Executive Director
Board of Registration of Chiropractors

Documents used by the Board during open session:

- Meeting Agenda for 6/7/18
- Draft minutes of the 5/10/18 public meeting

- *20060926CH044-IT-ENF [JG] -11th Quarterly Monitoring Report (5/15/18)*
- *20060926CH044-IT-ENF [JG] -11th Quarterly Monitoring Report Corrections Letter (5/16/18)*
- *19970714CH003-IT-ENF [EO] - 6th Monitoring Report Corrections Letter (5/20/18)*
- *19970714CH003-IT-ENF [EO] - 7th Monitoring Report (5/26/18)*
- *DPL Solo Practice Questionnaire*
- *Updated draft of Continuing Education Policy Guideline*
- *Documents from K. Shilts, regarding compliance plans*
- *Continuing education certificates from P. Tamburro*