

**BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS**  
**BOARD MEETING**

*June 10, 2010*

**GENERAL SESSION AGENDA**

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1. **Review, approval of Agenda.**
2. **Review, approval of Board Minutes of last meeting (May 13<sup>th</sup>).**
3. **Review of Administrative Staff Issues, Mr. J.J. Vallone, Executive Director:**
  - a) Farewell presentation to Consumer Member, Ms. Issie Shelton Jenkins; term expires June 30, 2010. The Board honors her years of excellent public service and dedication while serving on the Board of Chiropractics and Massage Therapy Examiners since 2002
  - b) Budget Review and Issues: New FY (2011) to begin July 1, 2010
  - c) Sunset review meeting with Board of Physical Therapy Examiners' representatives
  - d) NPDB (National Practitioner Data Banks) – Deficiency Resolution
  - e) Status of Regulation revisions process – Ms. Congo
  - f) Status of upcoming massage therapy renewals in Fall 2010 – Ms. Congo
4. **Board Officers' Annual Election – July 1, 2010 to June 30, 2011: President, Vice-President, and Secretary/Treasurer. (NOTE: Past practice has been for officers to retain their positions for two [2] full terms, unless they desire to step down.) Nominations are to be announced at the Board Meeting.**
5. **Requests for chiropractic trade name approval:**
  - a) *Optimal Health Chiropractic and Massage Therapy, LLC* – Dorte Mathiesen Sherman, D.C.
  - b) *Elite Spine and Sport* – Joshua Bross, D.C.
6. **Requests for massage trade name approval:**
  - a) *Wendi L. Davis, LMT, dba Hands That Listen* – Wendi L. Davis, LMT
  - b) *A&C Advanced Massage Therapy, Perry L. Evans, RN - LMT* – Perry L. Evans, LMT
  - c) *Massotherapy* – Mell E. Solomon, DD, LMT
  - d) *A Special Touch, Professional and Therapeutic Massage, Nicole A. Landry, LMT, NCTMB* – Nicole A. Landry, LMT, NCTMB
  - e) *An Alternative Touch, LMT* – Maryellen Zaleski, LMT
  - f) *Ann Devlin-Low, LMT* – Ann Devlin-Low, LMT
  - g) *Balance – Massage for Health* – Cathy Sanders, LMT
  - h) *Chesapeake Massage & Bodywork* – Lucretia Mahoney, LMT

- i) *Downtown Massage Therapists* – Mary Catherine Megarity, LMT
  - j) *Goode Massage Therapy, LLC* – Edmund Goode, LMT
  - k) *Hands of Life LMT* – Marian Godwin, LMT
  - l) *Massage Connection Therapy Center, LLC* – Karen A. Biagiotti, LMT
  - m) *Massage Kneads* – Janet M. Constantino, LMT
  - n) *www.Corporate Massage Kneads.com* – Janet M. Constantino, LMT
  - o) *Massage Therapy by Mia* – Mia L. Harper, LMT
  - p) *Myofascial Release Massage* – Howard Rontal, LMT
  - q) *Nurturing Hands Massage Therapy* – Laura M. Matthews, LMT
  - r) *Pain Relief Therapies: Massage and Yoga Therapy* – Sherry L. Hunter, LMT
  - s) *Paula Rhule, LMT* – Paula Rhule, LMT
  - t) *Susan Mathason, LMT* – Susan Mathason, LMT
  - u) *The Relaxation Station* – Donna G. Real, LMT
  - v) *Therapeutic Massage* – Leisa Hart, LMT
  - w) *Your Body Needs...massage and aromatherapy services and products* – Rosetta Chard, LMT
  - x) *Healthy Balance, Inc.* – Johanna A. Wozencroft, LMT
  - y) *Tranquili-Chi Massage & Wellness* – Anthony Lane Hinkle, LMT
7. **MCA's final proposal for the On-line C.A. Certification Program from Alan Sokoloff, D.C., and Richard Schmitt, D.C.; Board's response needed on all issues.**
8. **Petition from Edwin L. Lipsitz, D.C., regarding whether performing the Heidelberg pH Test in a chiropractic office is within the Maryland chiropractic scope of practice.**
9. **Discussion concerning paperless meetings/hearings – Mr. Ware.**
10. **FYI – Miscellaneous correspondence for review/discussion.**

## ***BOARD WORKING LUNCH***

**BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS**  
**MINUTES – GENERAL SESSION**

*June 10, 2010*

**Members Present**

Kay B. O'Hara, D.C., Board President  
Stephanie J. Chaney, D.C., Board Vice-President  
Mary Anne Frizzera-Hucek, Consumer, Board Secretary/Treasurer  
Issie L. Shelton Jenkins, Consumer  
Daniel J. Kraus, D.C.  
Jonathan C. Nou, D.C.  
Duane R. Sadula, D.C.  
Clyde Anderson, LMT  
Karen Biagiotti, LMT

**Non-Members Present**

J.J. Vallone, Executive Director  
Adrienne Congo, Deputy Director  
Grant D. Gerber, Esq., Board Counsel  
Maria Ware, Office Manager  
David Ford, Senior Board Investigator  
Marc C. Ware, Board Investigator  
Danielle Gonnelli, Compliance Analyst  
The Hon. Senator Paula Hollinger  
Sharon Bloom, DHMH Liaison  
Keith Scott, D.C.

**Members Absent**

Michael Fedorczyk, D.C.  
Gwenda Harrison, LMT

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*Dr. Kay O'Hara called the meeting to order at 10:00 A.M.*

**Review of Agenda and Minutes**

The June 10<sup>th</sup> Agenda was amended as follows: 1) under no. 3, add "National Practitioner Data Banks (NPDB) Deficiency Resolution." Dr. O'Hara motioned to accept the amended Agenda; Dr. Sadula seconded, and the motion was unanimously voted.

The May 13<sup>th</sup> Minutes were approved as drafted. Dr. O'Hara motioned to accept the Minutes; Mr. Anderson seconded, and the motion was unanimously voted.

**Review of MCA's Proposed On-line Chiropractic Assistant (C.A.) Program**

The Board discussed in detail the proposed MCA C.A. Program; the on-line course is the required 100-hour training. At the previous Board Meeting, it was recommended that the program include a minimum of 24 hours of hands-on training, along with the practical training. Richard Schmitt, D.C., requests approval to be the MCA instructor for the classroom portion of the program and also requests Board approval of 15 hours devoted to hands-on training rather than 24 hours. Dr. K. Scott, a C.A. instructor, appeared before the Board and gave an impassioned presentation on his views of personal classroom instruction vs. on-line C.A. programs. Dr. Scott supports the 24-hours hands-on training recommended by the Board. The Board determined: 1) MCA may proceed with the on-line program limited solely and exclusively to the didactic portion of the C.A. educational training requirements set forth in COMAR 10.43.07.05; 2) video/electronic format is not authorized as a substitute for hands-on apparatus/device training; this must be done live, by a qualified Board-approved instructor (current policy is 24-hours hands on training.); and 3) the use of Dr. Michael Fedorczyk's video presentations may not continue until cleared by the Maryland Ethics Commission (due to an actual or perceived conflict of interest since Dr. Fedorczyk is a current Board Member).

**Review of Administrative Staff Issues, Mr. J.J. Vallone, Executive Director**

- The Board gave a farewell presentation to Consumer Member, Ms. Issie Shelton Jenkins, whose term expires June 30, 2010. The Board honors her years of excellent public service and dedication while serving since 2002. Ms. Jenkins was presented with a plaque highlighting her accomplishments.
- Mr. Vallone discussed the current budget. The new fiscal year (2011) begins July 1, 2010. The Board is on target and currently has approximately \$250-300,000 in roll-over money into the new fiscal year.
- Board of Physical Therapy Examiners' (PT) Sunset Review Meeting: Mr. Vallone, Dr. O'Hara, and Board Counsel met with representatives from the PT Board on June 3<sup>rd</sup> to discuss various issues regarding chiropractors who have PT privileges. The PT Board is unaware of the PT training of chiropractors. The PT Board is also moving towards a six-year (Masters) program; currently, physical therapy is a four-year (Bachelors) program. The Board offered the PT Board any assistance in getting through their Sunset Review.
- National Practitioner Data Banks (NPDB) Deficiency Resolution: The Board is to begin submitting disciplinary actions of massage therapists to the NPDB/HIPDB. Disciplinary Orders were not previously submitted because massage therapists were not listed as covered entities in the NPDB/HIPDB electronic databank. The Board has electronically transmitted a total of sixty-eight (68) reports to the NPDB/HIPDB database system, with tracking/receipt numbers assigned to each case. All future massage therapist cases shall be promptly reported to NPDB/HIPDB. The Board is now in full compliance with the U.S. Dept. of Health and Human Services' requirements for reporting. (NOTE: The Board currently submits/reports chiropractic disciplinary information to FCLB, per Federal requirement.)
- Status of Regulation revisions process – Ms. Congo: Ms. Congo will meet with Ms. Michelle Phinney, DHMH Regulations Coordinator, on reformatting the revisions. Once Ms. Phinney has processed the Regulations draft into final form, she will forward for eventual publication and adoption.
- Status of Upcoming Massage Renewals – Ms. Congo: The licensed massage therapists and registered massage practitioners license/registrations expire October 31, 2010. The Board will be renewing approximately 3,500 licensees/registrants beginning in August. All necessary supplies are being ordered in advance. Reminder post cards will also be sent to all active and inactive massage licensees/registrants.

**Board Officers' Annual Election – July 1, 2010 to June 30, 2011**

Nominations for Board President, Vice-President, and Secretary/Treasurer were submitted and tallied. The Board appointed the following nominees for the 2010-2011 term, as follows: 1) Dr. O'Hara will retain her position as Board President; 2) Dr. Chaney will retain her position as Board Vice-President; and 3) Dr. Fedorczyk is elected as Board Secretary/Treasurer.

**Requests for Approval of Chiropractic Trade Names**

Dr. Chaney made a motion to approve the trade name “Optimal Health Chiropractic and Massage Therapy, LLC” requested by Dorte Mathiesen Sherman, D.C.; Ms. Jenkins seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to deny the trade name “Elite Spine and Sport” requested by Joshua Bross, D.C.; Dr. Sadula seconded, and the motion was unanimously voted.

**Requests for Approval of Massage Trade Names**

Ms. Biagiotti made a motion to approve the trade name “Wendi L. Davis, LMT, dba Hands That Listen” requested by Wendi L. Davis, LMT; Dr. Nou seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to approve the trade name “A&C Advanced Massage Therapy, Perry L. Evans, RN - LMT” requested by Perry L. Evans, LMT; Dr. Nou seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to approve the trade name “A Special Touch, Professional and Therapeutic Massage, Nicole A. Landry, LMT, NCTMB” requested by Nicole A. Landry, LMT, NCTMB; Ms. Biagiotti seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to approve the trade name “Ann Devlin-Low, LMT” requested by Ann Devlin-Low, LMT; Dr. Kraus seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to approve the trade name “Balance – Massage for Health” requested by Cathy Sanders, LMT; Dr. Nou seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to approve the trade name “Chesapeake Massage & Bodywork” requested by Lucretia Mahoney, LMT; Dr. Nou seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to approve the trade name “Downtown Massage Therapists” requested by Mary Catherine Megarity, LMT; Ms. Hucek seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to approve the trade name “Goode Massage Therapy, LLC” requested by Edmund Goode, LMT; Dr. Kraus seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to approve the trade name “Massage Connection Therapy Center, LLC” requested by Karen A. Biagiotti, LMT; Mr. Anderson seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to approve the trade name “Massage Kneads” requested by Janet M. Constantino, LMT; Mr. Anderson seconded, and the motion was unanimously voted. (NOTE: Ms. Constantino also submitted a trade name to be used on-line. The Board determined that it does not need to approve on-line trade names.)

Dr. Chaney made a motion to approve the trade name “Massage Therapy by Mia” requested by Mia L. Harper, LMT; Mr. Anderson seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to approve the trade name “Myofascial Release Massage” requested by Howard Rontal, LMT; Mr. Anderson seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to approve the trade name “Nurturing Hands Massage Therapy” requested by Laura M. Matthews, LMT; Mr. Anderson seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to approve the trade name “Pain Relief Therapies: Massage and Yoga Therapy” requested by Sherry L. Hunter, LMT; Ms. Hucek seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to approve the trade name “Paula Rhule, LMT” requested by Paula Rhule, LMT; Ms. Hucek seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to approve the trade name “Susan Mathason, LMT” requested by Susan Mathason, LMT; Ms. Hucek seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to approve the trade name “Therapeutic Massage” requested by Leisa Hart, LMT; Dr. Nou seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to approve the trade name “Your Body Needs...massage and aromatherapy services and products” requested by Rosetta Chard, LMT; Mr. Anderson seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to approve the trade name “Tranquili-Chi Massage & Wellness” requested by Anthony Lane Hinkle, LMT; Mr. Anderson seconded, and the motion was unanimously voted.

**The following massage trade name requests were disapproved by Board motions:**

Ms. Biagiotti made a motion to deny the trade name “Massotherapy” requested by Mell E. Solomon, DD, LMT; Mr. Anderson seconded, and the motion was unanimously voted.

Ms. Biagiotti made a motion to deny the trade name “An Alternative Touch, LMT” requested by Maryellen Zaleski, LMT; Dr. Sadula seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to deny the trade name “Hands of Life LMT” requested by Marian Godwin, LMT; Mr. Anderson seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to deny the trade name “The Relaxation Station” requested by Donna G. Real, LMT; Mr. Anderson seconded, and the motion was unanimously voted.

Dr. Chaney made a motion to deny the trade name “Healthy Balance, Inc.” requested by Johanna A. Wozencroft, LMT; Mr. Anderson seconded, and the motion was unanimously voted.

**Request from Edwin L. Lipsitz, D.C.**

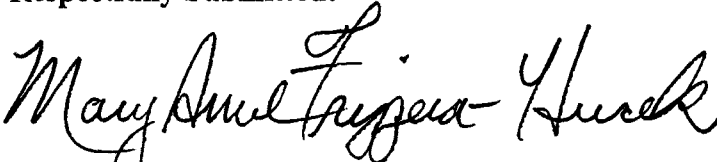
Dr. Lipsitz is inquiring whether performing the Heidelberg Ph Test in a chiropractic office is within the Maryland chiropractic scope of practice. The Board reviewed and discussed in detail the Heidelberg Ph Test which requires a subcutaneous injection of histamine acid phosphase, and injections of any kind are prohibited. Therefore, based on the documentation provided by Dr. Lipsitz and the current Board Regulations, the Board concluded that this test is not within the chiropractic scope of practice.

**Paperless Meetings/Hearings – Mr. Ware, Board Investigator**

During the Boards and Commissions Investigators Meeting held May 25, 2010, Mr. John Nugent, Deputy Counsel, mentioned that several Boards have transitioned to paperless meetings and executive sessions. The Boards have secured laptop computers, which all meeting and hearing materials are loaded onto via a thumb drive or E-mail. The utilization of the paperless system has proven to be effective and efficient. Mr. Vallone advised that the Board is exploring the issue of the cost and feasibility of ordering Netbooks for each Board Member.

*Upon motion by Dr. Chaney, seconded by Dr. Nou, the Board unanimously voted to adjourn the General Session at 11:45 A.M.*

**Respectfully Submitted:**



**Mary Anne Frizzera-Hucek  
Board Secretary/Treasurer**