

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
MINUTES – GENERAL SESSION

May 9, 2013

Members Present

Stephanie Chaney, D.C., Board President
Michael Fedorczyk, D.C., Board Vice-President
Jonathan C. Nou, D.C., Board Secretary/Treasurer
Robert Frieman, D.C.
Joanne Bushman, D.C.
David Cox, LMT
Karen Biagiotti, LMT
Gwenda Harrison, LMT
Gloria Boddie-Epps, Consumer Member
Ernestine Jones Jolivet, Consumer Member

Non-Members Present

James Vallone, Executive Director
Adrienne Congo, Deputy Director
Grant Gerber, Esq., Board Counsel
Michelle Czarnecki, Legal Assistant
Ronda Sharman, MCA
Anthony Hinkle, LMT
Betty Schuler, MCA
Wayne Parker, AMTA-MD Chapter
James Holding, DC
Kristen Neville, DHMH
Sharon Bloom, DHMH
Sen. Paula Hollinger, DHMH

Members Absent

Michael Moskowitz, D.C.

Dr. Stephanie Chaney called the meeting to order at 10:03 am.

Review of Agenda and Minutes

The May 9, 2013 Agenda was revised as follows: (1) Addition of *Health First Chiropractic*—Larry Berlin, DC to the Chiropractic Trade Name Requests; (2) Tabling of subsection (d) under Review of Administrative Issues for June meeting; and (3) Addition of a discussion of when the doctor/patient relationship is established as #7 on the Agenda.

Dr. Nou moved to approve the May 9, 2013 Agenda with those revisions; Ms. Harrison seconded, and the motion was unanimously voted.

The April 11, 2013 Board Minutes were reviewed by the Board. The Board Minutes were revised as follows: (1) On page 2, replacement of “reduction therapy” with “re-education therapy”; (2) On page 5, replacement of “not longer” with “no longer” in the first paragraph.

Dr. Frieman moved to approve the April 11, 2013 Board Minutes with those revisions; Ms. Harrison seconded, and the motion was unanimously voted.

Review of Administrative Issues, Mr. J.J. Vallone, JD, Executive Director & Ms. Adrienne Congo, MS, Deputy Director:

a) Regulations revisions update, final report & initial Board review—Vote & Summary of follow-up process by Kristen Neville, Regulations/Legislation Specialist.

The amended regulations have been an ongoing project of the Board's subcommittee for the last year and a half. A packet with the draft of the recommended changes to the Board's regulations was presented to all of the Board members. An initial vote is to take place at this meeting, with the final vote to take place at the June 20th, 2013 meeting. Ms. Kristen Neville will then take the recommended changes and post them in the Maryland and Federal Register.

Ms. Harrison suggested removing and/or changing the use of "non-therapeutic massage" in the massage therapy definition section of the Board's Regulations. A discussion followed, with Mr. Vallone suggesting that the Health Occupation Code would need to be amended in order for that to occur. Ms. Neville suggested that the Board submit a one-page recommendation for changing the language of the statute. Mr. Vallone suggested that an association, such as the AMTA, suggest those changes to the legislature as well.

b) MCA Meeting Summary regarding Chiropractic Assistant Program (hiring/training issues):

On April 16th, 2013, Executive Director Jim Vallone, Assistant Staff Attorney Michelle Czarnecki, Board President Dr. Chaney and Board Vice-President Dr. Fedorczyk met with the Board of Directors for the Maryland Chiropractic Association for lunch to discuss the Board's CA Program. The meeting was a positive one, with all attendees agreeing that the CA Program was salvageable but that significant changes are needed to improve it. The MCA Board suggested that they offer free CEU courses regarding the duties of a Supervising Chiropractor, and to help disseminate information regarding the required changes to the CA Program. All attendees agreed that these measures, along with the changes promulgated by the Board, will help to enhance the program and protect the health and safety of patients. Dr. Chaney added that the MCA and the Board appear to be on the same page regarding the education and communication processes needed to save the CA Program. The MCA has offered Dr. Fedorczyk to teach a 2 hour CEU presentation regarding the Board's CA Program.

c) FCLB/NBCE Conference attended by Dr. Chaney, D.C. & Dr. Fedorczyk, D.C.

Dr. Chaney and Dr. Fedorczyk attended the FCLB/NBCE Conference in San Francisco, CA. Some topics of discussion included the acceptance of the Model Practice Act, preference for paper versus electronic Board newsletters, and

portability of licenses of military spouses. As to the portability issue, some states handle the military spouses as normal licensees; for example, New Jersey has reciprocity for military spouse licenses until renewal time. A discussion of a need for a central approval process for chiropractic schools also took place.

Dr. Chaney acknowledged Dr. Fedorczyk's significant involvement and participation on a national level with CA certification and grading of ethics exams. Dr. Chaney advised all of the chiropractic board members to notify her or Dr. Fedorczyk if they are interested in becoming ethics exam graders. Dr. Fedorczyk added that new doctor orientations are currently being held by various states around the country, and that as a result of these orientations, complaints are down 57% in those states.

d) Upcoming, June 2013, Board Officer Elections:

Elections for Board officer positions will be held on June 13th before the Board hearing, which was changed from June 20th so that all Board members could attend. The elections will be in an abbreviated session in the morning of June 13th, and notice will be made to the Baltimore Sun regarding this abbreviated public session. Vice President and Secretary position are open; Presidency is technically open, although past precedent is that the current Vice President moves up to the Presidency.

e) Board Office Secretary II position filled—Ms. Kizzy Clarke to start May 13, 2013.

Ms. Clarke is a graduate of Howard County Community College, and is currently working on obtaining her bachelor's degree. She has contract experience with the state.

Petitions:

- a) James L. Holding, D.C./CA Applicant, Michelle Hutchinson***—Appeal regarding April 2, 2013 immediate suspension from the CA Training Program. Dr. Holding, who was present for the meeting and spoke directly to the Board, explained that his previous Office Manager was responsible for tracking the progress of his CA Applicants' training. When this Office Manager left, Ms. Hutchinson's progress was not being monitored and she was unable to complete the entire program by the year deadline. When asked what measures he has implemented to prevent such circumstances with future CAs, Dr. Holding replied that he has become more involved in tracking CA training progress and has a computer program to alert him when each stage has been completed or not completed by his CAs.

Based on this information, Dr. Frieman moved to grant Dr. Holding's petition to extend Michelle Hutchinson's CA training to allow her to take the November CA Exam; Mr. Cox seconded, and the motion was unanimously voted.

*Dr. Nou and Dr. Fedorczyk recused themselves from discussion and voting of this petition.

- b) **Xavier Touze, D.C./CA Applicant, Lacy Garofalo**—Extension request for CA training Program to allow Ms. Garofalo to take the November exam. In his petition, Dr. Touze explains that Ms. Garofalo was unable to sit for the April CA Exam due to some personal and family problems that prevented her from completing the courses within the year time frame. Dr. Touze and Ms. Garofalo explained in their petition that Ms. Garofalo had difficulty several times trying to login to her online classes. This, coupled with the personal and family issues prevented Ms. Garofalo from completing the program on time. Ms. Garofalo explained that although she began as a receptionist at Dr. Touze's office, she is very excited to continue her training and become a registered CA.

Based on this information, Dr. Frieman moved to grant the petition to extend Lacy Garofalo's CA training program and allow her to take the November CA Exam; Ms. Biagiotti seconded, and the motion was unanimously voted.

- c) **Chevelle Blackwell, CA Applicant**—Request to continue in CA Program and be scheduled for November CA Exam. In her petition, Ms. Blackwell explained that in the process of preparing her application to take the April CA Exam, she mistakenly sent the wrong in-service training log. This log only had hours listed, while another completed log was not sent. Ms. Blackwell has since sent the proper log to the Board, has paid all fees and has completed her training in its entirety.

Based on this information, Dr. Fedorczyk moved to grant the petition to extend Chevelle Blackwell's CA training program and allow her to take the November CA Exam; Dr. Friedman seconded, and the motion was unanimously voted.

- d) **Beth Henson, D.C.**—Request waiver of the assessment of penalty fee for failure to maintain a valid, current mailing address. Dr. Henson explained in her petition that after leaving her previous office, she reviewed the chiropractic regulations and saw that she was required to maintain a current address with the Board. When she called the Board and asked what address the Board had on file for Dr. Henson, a staff member read Dr. Henson's home address. Hearing the correct address, Dr. Henson did not realize that the business address was now incorrect upon her leaving her place of work. Dr. Henson explained that she has no permanent employment and is transitioning from one practice to another.

Based on this information, Ms. Biagiotti moved to waive the penalty for failure to maintain a valid, current mailing address; Ms. Boddie-Epps seconded, and the motion was unanimously voted.

- e) **Jennifer Lynn Ismail, LMBT(NC BD of Massage & Bodywork Therapy; MD Applicant)**—Petition to accept her non-accredited school for massage training

(525 hours) at the Central Florida School of Massage Therapy, Inc., licensed by the Commission for Independent Education, Department of Education and approved by the FL Board of Massage Therapy.

Based on this information, Ms. Biagiotti moved to waive the accreditation requirement and accept Ms. Ismail's Massage Therapy Application; Mr. Cox seconded, and the motion was unanimously voted.

- f) **Elaine Orasmas, MT** (FL Dept. of Health) (**MD Applicant**)—Petition to accept her non-accredited school for massage training at Bonita Springs School of Massage Therapy. This school is licensed by the Commission for Independent Education and approved by the FL Board of Massage Therapy. Ms. Orasmas obtained 518 hours of training at Bonita Springs.

Based on this information, Ms. Biagiotti moved to waive the accreditation requirement and to accept Ms. Orasmas's Massage Therapy Application; Ms. Harrison seconded, and the motion was unanimously approved.

Requests for Chiropractic Trade Name Approval:

The following chiropractic trade name requests were **approved** by Board motions. Dr. Fedorczyk moved to approve; Dr. Bushman seconded, and the motions were unanimously voted:

- a) ***Choi & Koh Chiropractic Clinic, LLC***—Kunbong Choi, D.C.
- c) ***Alpha Omega Chiropractic***—Rosalind R. Bailey-Odeyale, D.C.
- d) ***Total Health & Rehab Chiropractic—Physical Therapy—Wellness***—Russell Antico, D.C. & Brian Morrison, D.C. (replacement for previous Board approval—*Howard County Chiropractic Spine & Sports Rehabilitation, LLC; Morrison Chiropractic; Clarksville Chiropractic*).
- e) ***Active Chiropractic, LLC***—Andrew George, D.C.
- f) ***Health First Chiropractic***—Larry Berlin, D.C.

The following chiropractic trade name request was **approved** by Board motion. Dr. Fedorczyk moved to approve; Dr. Bushman seconded, and the motion was approved by a majority of the Board, with Dr. Frieman opposing:

- b) ***Capital Sports Medicine, Dr. Carson A. Aune***—Carson Aune, D.C.

The following massage therapy trade name requests were **approved** by Board motions. Ms. Biagiotti moved to approve; Ms. Harrison seconded, and the motions were unanimously voted:

- a) ***Patricia S. Gronert, LMT***—Patricia S. Gronert, LMT
- b) ***Paiton Milbourne Massage Therapy***—Paiton M. Milbourne, LMT
- c) ***Tranquility & Enlightenmetn Massage Therapy***—Holly Ann Bradford, LMT
- d) ***iON Massage & Spa***—Eric Sumwalt, RMP

- e) *Elements of Natural Healing and Massage Therapy*—Edith M. Staton, RMP.

Discussion of When a Doctor/Patient Relationship is Established--Dr. Robert Frieman:

Dr. Frieman suggested a discussion amongst the Board or when the doctor/patient relationship is established in the context of record-keeping. Specifically, the Board discussed whether the completion basic survey of a patient, even in a conference situation, would create a doctor/patient relationship. Although Dr. Frieman noted that previous Board's have not held a survey to create such a relationship, Dr. Chaney suggested that in order to prevent civil liability, she recommends that any documentation filled out by a prospective patient be kept for the required amount of time under HIPAA. The Board agreed that erring on the side of caution is the proper way to handle such documentation for both the sake of the patient and the chiropractor. Mr. Vallone agreed to include this issue/discussion in the next Board newsletter.

FYI—Miscellaneous Correspondence and Discussion:

- a) **AMTA Mid-Atlantic Conference: Ms. Gwenda Harrison & Mr. Wayne Parker, AMTA**

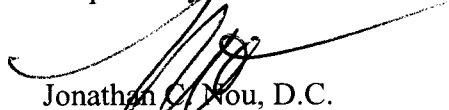
Ms. Harrison prompted a discussion of the AMTA's Mid-Atlantic Conference, which had around 90 to 100 attendees. Mr. Parker explained that this attendance rate exceeded their expectations. Most attendees were out-of state licensees. Board Investigator Chris Bieling gave a presentation at the Conference, with around 15-20 Maryland licensees attending. Mr. Parker explained that Mr. Bieling was well received and that he would like to have him given presentations at future conferences.

- b) **Kelly Groves, D.C. Response to Board Suggestions on Recordkeeping—Mr. J.J. Vallone:**

Dr. Groves sent a letter to the Board explaining the changes that he has undertaken since the preceptorship visit to his office by Dr. Nou and Board Investigator David Ford. Dr. Groves explained that since the visit, he has recognized the flaws in his record-keeping practices and has since resolved the issues.

Upon motion by Dr. Fedorczyk, seconded by Mr. Cox, the Board unanimously voted to adjourn General Session at 11:29pm.

Respectfully Submitted:


Jonathan C. Nou, D.C.
Board Secretary/Treasurer