

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

*December 10, 2009*

**GENERAL SESSION AGENDA**



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1. **Review, approval of Agenda.**
  2. **Review, approval of Board Minutes of last meeting (November 12<sup>th</sup>).**
  3. **Review of Administrative Staff Issues, Mr. J.J. Vallone, Executive Director:**
    - a) Update regarding the Legislative Sunset Review and the attached preliminary draft evaluation and response
    - b) Update regarding hiring for the vacant position of Board Deputy Director/Massage Program Manager
    - c) Regulations review project update
    - d) C.A. examination review project update
    - e) Board Meeting room change for 2010
  4. **The Board will conduct a discussion/interview with the five (5) supervising chiropractor applicants and the ten (10) new chiropractic licensees (script attached).**
  5. **Requests for trade name approval:**
    - a) *Living Health Chiropractic & Functional Medicine* – Thomas Chaney, D.C. (*trade name change*)
    - b) *Chesapeake Chiropractic at Calvert Memorial Hospital* – Karen L. McDermott, D.C. (*trade name change*)
    - c) *Injury Center of Parkville* – Juliet R. Worley, D.C.
  6. **Appeal from Ms. Marguerite P. LaVine (LMT, NY State) for Board to review qualifications in order to sit for the Maryland massage jurisprudence. (NOTE: Board reviewed/discussed at its November 12<sup>th</sup> meeting.)**
  7. **Appeal from Ms. Christine Aubain, LMT, to reconsider the Board's denial of the 6 CEU credit class she took titled "Anger, Forgiveness and Healing Process."**
  8. **Request from Mr. Paul Deemer, Massage Applicant, for Board opinion on the use of "hot stone massage" during heat application; regulations state "...limited to hot packs and heating pads..."**
  9. **Petition from Mr. Grant Barker, Massage Therapy Student.**
  10. **FYI – Miscellaneous correspondence for review/discussion.**

***BOARD WORKING LUNCH***

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

*December 10, 2009*

**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  
Gwenda Harrison, LMT

**Non-Members Present**

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

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

**Review of Agenda and Minutes**

The December 10<sup>th</sup> Agenda was amended as follows: 1) under no. 3, add "e. Board Meeting Room Change for 2010"; and 2) add no. 9 "Petition from Mr. Grant Barker, Massage Therapy Student." Ms. Harrison motioned to accept the amended Agenda; Mr. Anderson seconded, and the motion was unanimously voted.

The November 12<sup>th</sup> Minutes were approved as drafted. Dr. Sadula motioned to accept the Minutes; Dr. Chaney seconded, and the motion was unanimously voted.

**Discussion/Interview with New and Supervising Chiropractic Licensees**

After taking their respective examinations, five (5) supervising chiropractic applicants and eight (8) new chiropractic licensees appeared today before the Board for an open discussion/interview session.

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

- The Board reviewed and discussed the draft Preliminary Evaluation Report (dated 11/19/09) submitted by the Department of Legislative Services (DLS) in regards to the Legislative Sunset Review audit conducted this fall (last Board evaluation was in 1999). DLS recommendations: a) waive the Board from full evaluation; b) extend the Board's termination date by ten (10) years to July 1, 2022; and c) require follow-up reports by October 1, 2010 and 2011. The Board submitted a response concurring with the DLS' recommendation and also noting that the report accurately reflects the status and operations of the Board. The Board commends Ms. Amy Devadas, MLS Analyst, for her thorough professionalism and cordial review and analysis.

- Ms. Adrienne Congo was introduced to the Board as the newly appointed Deputy Director. The Board is currently waiting for the Department of Personnel to submit the finalized paperwork. Ms. Congo will only attend the General Session.
- The Regulations Subcommittee will meet on January 14, 2010 after the scheduled Board hearing. The next Board Meeting is rescheduled to January 21<sup>st</sup>; it has been published in the January 4<sup>th</sup> and 15<sup>th</sup> edition of the Maryland Register notifying interested parties that the Board will review/discuss proposed Regulations revisions.
- C.A. Examination Review Project Update: The process of vetting and redrafting the C.A. Regulations is complete. The beginning of next week, the Board will E-Mail the 500 questions to the Subcommittee for final review. The C.A. instructors will then be given copies of the examination questions.
- FYI – In 2010, the Board will conduct its monthly meetings in Room 100.

**Request for Approval of Trade Name Change – Thomas Chaney, D.C.**

Dr. Stephanie Chaney recused herself from the Meeting before Board discussion. Dr. T. Chaney requests Board approval to change his trade name to “Living Health Chiropractic & Functional Medicine” (*formerly: Living Health Chiropractic, LLC*). Dr. Kraus made a motion to approve the trade name change; Ms. Harrison seconded, and the motion was unanimously voted.

**Request for Approval of Trade Name Change – Karen L. McDermott, D.C.**

Dr. McDermott requests Board approval to change her trade name to “Chesapeake Chiropractic Care” (*formerly: Chesapeake Physical Medicine*). Ms. Jenkins made a motion to approve the trade name change; Ms. Hucek seconded, and the motion was unanimously voted.

**Request for Trade Name Approval – Juliet R. Worley, D.C.**

Dr. Worley requests Board approval to use the trade name “Injury Center of Parkville” in her practice. Ms. Hucek made a motion to disapprove the trade name; Ms. Biagiotti seconded, and the motion was unanimously voted.

**Appeal from Ms. Christine Aubain, LMT**

Ms. Aubain requests the Board to reconsider its decision to not accept the 6 CEU credits for the class “Anger, Forgiveness and Healing Process” she took on 11/02/09. The Board reviewed the course content and determined that it was not relevant to the scope of massage therapy. The Board motioned to deny Ms. Aubain’s request. Ms. Harrison supported the motion; Ms. Biagiotti seconded, and the motion was unanimously voted.

**Appeal from Ms. Marguerite P. LaVine, Massage Therapy Applicant**

(NOTE: Board reviewed/discussed at its November 12<sup>th</sup> Meeting; additional information has since been provided.) Ms. LaVine requests that the Board again conduct a review of her educational qualifications. In 2002, Ms. LaVine graduated from the Onondaga School of Therapeutic Massage which was not accredited during that time; the school became accredited in March 2009. Ms. LaVine has since taken and passed the jurisprudence examination given 11/23/09. The Board motioned to waive the previous denial of the educational requirements and grant Ms. LaVine a license as a registered massage practitioner. Dr. Nou supported the motion; Ms. Harrison seconded, and the motion was unanimously voted.

**Request from Mr. Paul Deemer, Massage Therapy Applicant**

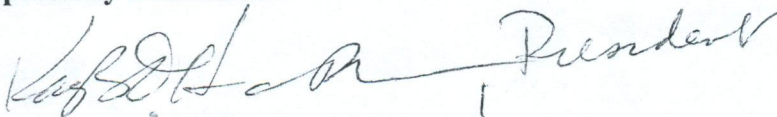
Mr. Deemer requests Board opinion on the use of “hot stone massage” during heat application (COMAR Regulations state “...limited to hot packs and heating pads...”). Upon discussion, the Board determined that massage therapists could engage in hot stone therapy as analogous to hot pack treatments; they are also encouraged to engage in continuing education of the contraindications and applications of this modality. The Board motioned to approve the use of hot stone massage during heat application. Ms. Harrison supported the motion; Mr. Anderson seconded, and the motion was unanimously voted.

**Petition from Mr. Grant Barker, Massage Therapy Student**

Mr. Barker petitions the Board for clarification of the COMAR Regulation that stipulates “an individual may qualify for a license if they have...completed 500 hours of education in a Board-approved program for the study of massage...” The Board office denied Mr. Barker’s application because he had not graduated from a program. Board Counsel advised that since the inception of the Massage Program, the consistent interpretation has been that “completion...of a Board-approved program” means graduation/matriculation from such program. Individuals who have not graduated would not meet the application education requirements of the Regulation. The Board motioned to deny Mr. Barker’s request. Dr. Kraus supported the motion; Ms. Biagiotti seconded, and the motion was unanimously voted.

*Upon motion by Dr. Chaney, seconded by Dr. Kraus, the Board unanimously voted to adjourn the General Session at 12:00 P.M.*

**Respectfully Submitted:**

A handwritten signature in cursive script, appearing to read "Mary Anne Frizzera-Hucek", followed by the word "President" written in a larger, more formal cursive font.

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