

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

*December 8, 2011*

**GENERAL SESSION AGENDA**



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**HAPPY HOLIDAYS!**

1. Review, approval of Agenda.
2. Review, approval of Board Minutes of last meeting (November 10<sup>th</sup>).
3. Presentation/Petition from Adam Fidel, D.C., to appeal the Board's October 13<sup>th</sup> decision regarding his 2011-2013 chiropractic late renewal fee of \$500.00. **NOTE:** Dr. Fidel started his renewal on 8/1/2011—however, he did not **complete** the process until 9/8/2011. **Successful completion of the online renewal process is based on when a licensee has completed/submitted the renewal form and made payment (not when he/she initially starts).**
4. Review of Administrative Staff Issues, Mr. J.J. Vallone, Executive Director:
  - a) Progress of electronic communication issues: Ms. Congo to provide summary
  - b) Results of furniture audit by DHMH Facilities Unit
  - c) Employment of Ms. Michelle Czarnecki three days per week during law school holiday
  - d) Update on Massage Regs Subcommittee Issues: Subcommittee Members to summarize
5. Request for chiropractic trade name approval:
  - a) *Chirochoice Staffing, LLC* – Rachel Ash, D.C.
6. Requests for massage trade name approval:
  - a) *Massages By Janice* – Janice M. Wolfe, LMT
  - b) *Therapeutic Massage Therapy, Dolly Lee Cohen, LMT* – Dolly Lee Cohen, LMT
  - c) *Cr8ting Change Massage* – Margaret Allen, LMT
7. Review/Discussion/Vote on Sanctioning Guidelines.
8. FYI – Miscellaneous correspondence for review/discussion. New registration granted to Ms. Jessica Leigh Weiss, RMP (*discussed in the Executive Session*); Board approved to waive accreditation on 10/13/11; licensed 11/21/11.
  - a) Discussion Regarding Appointing a Disciplinary Committee

***BOARD WORKING LUNCH WILL FOLLOW EXECUTIVE SESSION***

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

*December 8, 2011*

**Members Present**

Stephanie J. Chaney, D.C., Board President  
Michael Fedorczyk, D.C., Board Vice-President  
Jonathan C. Nou, D.C., Board Secretary/Treasurer  
Kay B. O'Hara, D.C.  
Duane R. Sadula, D.C.  
Karen Biagiotti, LMT  
David A. Cox, LMT  
Gwenda Harrison, LMT  
Mary Anne Frizzera-Hucek, Consumer Member  
Ernestine Jones Jolivet, Consumer Member

**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  
Christopher Bieling, Board Investigator  
The Hon. Senator Paula Hollinger  
Sharon Bloom, DHMH Liaison  
Kristen Neville, Legislation/Regs Specialist  
Adam Fidel, D.C., Presenter  
Dana L. Smulian, RMP, Guest  
Nancy Yanke, Guest

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*Dr. Stephanie Chaney called the meeting to order at 10:00 A.M.*

**Review of Agenda and Minutes**

The December 8<sup>th</sup> Agenda was amended as follows: 1) move no. 4 to the no. 3 position and renumber; 2) under no. 6, add "c. Cr8ting Change Massage – Margaret Allen, LMT"; and 3) under no. 8, add "a. Discussion Regarding Appointing a Disciplinary Committee." Dr. Fedorczyk motioned to accept the amended Agenda; Ms. Hucek seconded, and the motion was unanimously voted.

The November 10<sup>th</sup> Minutes were amended as follows: 1) on page 3, under "Discussion Regarding Class III vs. Class IV Laser Use," amend the 4<sup>th</sup> sentence to read "...utilizing 500-7,500 wattage and are non-oblative." Dr. Nou motioned to accept the amended Minutes; Dr. O'Hara seconded, and the motion was unanimously voted.

**Presentation/Petition from Adam Fidel, D.C.**

Dr. Fidel gave presentation today to appeal the Board's October 13<sup>th</sup> decision to deny his original request to waive the \$500 late chiropractic renewal fee. **NOTE:** Dr. Fidel started processing his renewal application on 8/1/2011—however, he did not complete the process, nor made payment, until 9/8/2011. Successful completion of the on-line renewal is based on when a licensee has completed/submitted the renewal form **and** made payment (not when he/she initially started). Dr. Fidel did not present any new evidence; however, he did explain why he thought he should not be penalized based on confusion and a hernia operation. Dr. Sadula made a motion to waive/refund the \$500 late renewal fee; Ms. Biagiotti seconded, and the motion was voted by 9. Ms. Harrison opposed. A refund of the fee will be issued.

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

- Progress of Electronic Communication Issues – Ms. Congo: Ms. Congo gave a summary regarding enrolling the Board in IContract E-Blast. Also, the Board is looking into purchasing a Scantron Reader, which costs approximately \$2,800. The Scantron Reader would be beneficial to the Board, especially in terms of cost/amount of man-hours utilized in processing the examinations. The Board unanimously expressed approval to purchase the Reader if the budget permits after January 1, 2012.
- Results of Furniture Audit by the DHMH Facilities Unit: The Board received an E-mail from Mr. Gary Spurrier, DHMH Central Services Division, regarding an audit and review of the Board's credit card purchases from January 2009 to July 2011, indicating office furniture procured from other entities outside of the Preferred Provider Program (the Maryland Correctional Enterprises [MCE] and the Blind Industries and Services of Maryland [BIS]). The Board provided justification for procuring these items from outside entities, citing: a) lower cost and higher quality from outside entities vs. the same or similar items offered by MCE or BIS; b) deliveries bought from outside entities were received within 24-48 hours vs. 3-8 weeks by MCE or BIS; and 3) some prior purchases from MCE and BIS have been defective, of poor quality, and required repair and/or replacement (with replacement taking months) vs. outside entities where damages were minimal and any replacement was accomplished within a few days. Henceforth, the Board will notify the DHMH Facilities Unit before making major purchases and obtain/utilize waiver forms, if necessary. The Board congratulated Mr. Vallone on his fiscal responsibility of saving the Board more than \$7,000 in purchases during this period.
- Employment of Ms. Michelle Czarnecki: Ms. Czarnecki will work three days per week during the law school holiday (at her current contract fee), assisting Board Counsel with legal matters, as well as assisting the Chiropractic Board Office. Ms. Czarnecki graduates the spring of 2012. Dr. O'Hara made a motion to approve the three-day work schedule; Ms. Hucek seconded, and the motion was unanimously voted.
- Update on the Massage Regulatory Subcommittee Issues: The Regulatory Subcommittee will meet to discuss the prospective regulations revisions (Massage Recordkeeping and CEUs) after the February 9, 2012 Board Meeting. The members of the Regulatory Subcommittee are: Ms. Karen Biagiotti, LMT (Chair), Mr. Grant Gerber (Board Counsel), Dr. Jonathan Nou, Ms. Gwenda Harrison, LMT, Mr. David Cox, LMT, and Ms. Ernestine Jones Jolivet (Consumer Member; *recently joined*).

**Requests for Approval of Massage Trade Names**

The following massage trade name requests were individually **approved** by Board motions. Ms. Biagiotti supported the motions; Ms. Harrison seconded, and the motions were unanimously voted.

1. Messages By Janice – Janice M. Wolfe, LMT
2. Therapeutic Massage Therapy, Dolly Lee Cohen, LMT – Dolly Lee Cohen, LMT
3. Cr8ting Change Massage – Margaret Allen, LMT

**Request for Chiropractic Trade Name Approval – Rachel Ash, D.C.**

Dr. Ash requests Board approval to utilize the trade name “Chirochoice Staffing, LLC”; the company is to provide chiropractic coverage services. The Board reviewed and determined that a motion/vote is unnecessary because this is not within the Board’s jurisdiction. Licensee will be notified.

**Review/Discussion/Vote on Sanctioning Guidelines**

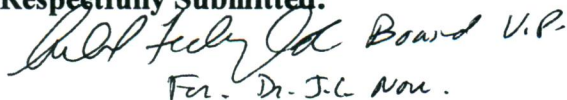
Board Counsel submitted a draft of the Sanctioning Guidelines 10.46.07. The Board reviewed and discussed the Guidelines, and made the following amendments: a) pages 4/5, “E. Failure to Renew a License When the Licensee Has Continued to Practice” – change all Maximum Sanction Range to “Revocation”; and b) page 6, “H. Sexual Misconduct” – change all Maximum Sanction Range to “Revocation.” The Board motioned to approve the Sanctioning Guidelines with the aforementioned changes. Dr. O’Hara supported the motion; Ms. Harrison seconded, and the motion was unanimously voted. The Board will submit the Sanctioning Guidelines, once completed, to Ms. Kristen Neville, Legislation/Regulation Specialist. The Subcommittee members are: Mr. Jim Vallone (Executive Director), Mr. Grant Gerber (Board Counsel), Dr. Michael Fedorczyk, Dr. Kay O’Hara, and Ms. Karen Biagiotti, LMT. Ms. Neville clarified that as long as the public meetings were listed in the Maryland Register, the notice suffices for regulatory rulemaking procedural requirements. It is noted that the December 8, 2011 General Session was published in the Maryland Register.

**Miscellaneous**

1. Discussion Regarding Appointing a Disciplinary Committee: In response to the Omnibus Board Bill, it is strongly recommended by the DHMH Secretary that each Board appoint a Disciplinary Committee to hear cases. The Board’s Disciplinary Committee will consist of four members: the Executive Director, one chiropractor, one massage therapist, and one consumer member. The Executive Director will draft guidelines, submit them via E-mail to the Board Members for approval and formal presentation/vote at the next Board Meeting.
2. Dr. Stephanie Chaney will revisit the issue of Class IV laser use regarding wattage requirements and pertinent regulations.
3. 2011 New Massage Registration Granted: Ms. Jessica Leigh Weiss, RMP; Board approved to waive accreditation 10/13/2011 (Executive Session); licensed 11/21/2011.

*Upon motion by Dr. O’Hara, seconded by Mr. Cox, the Board unanimously voted to adjourn the General Session at 11:15 A.M.*

**Respectfully Submitted:**

 Board V.P.  
For: Dr. J.C. Nou.

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