

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
BOARD MEETING

February 19, 2009

GENERAL SESSION AGENDA

1. **Review, approval of Agenda.**
2. **Review, approval of Board Minutes of last meeting (December 11th). *There was no Board Meeting held in January 2009. The February 12th meeting was rescheduled to February 19th; DHMH building closed.***
3. **Review of Administrative Staff Issues, Mr. J.J. Vallone, Executive Director:**
 - a) Budget Update
 - b) Update on Interview/Hiring of Board Investigator
 - c) Board Counsel Legal Services and Compensation – Meeting of parties/resolution
 - d) Review of the 2009 – 2011 C.A. renewals; review of massage renewals/amnesty program progress
 - e) Legislative Task Force and Athletic Trainer Bill Updates
 - f) Two Members needed for NBCE PT IV Exam: May 15–17, 2009; November 13–15, 2009; and one Member needed for NBCE PT IV Committee Meeting: June 12–13, 2009
 - g) Discussion of pending legislation
 - h) NBCE/FCLB Annual Meetings
4. **Requests for trade name approval:**
 - a) *The Center for Low Back Pain, LLC, David B. Fishkin, D.C., MPH – David B. Fishkin, D.C.*
 - b) *Back Pain & Headache Center, LLC – David J. Kopelove, D.C.*
 - c) *Live Well Family Chiropractic – Jill Moore, D.C.*
 - d) *Chiropractic Office & Wellness Center, Cynthia McMahon-Jenkin, D.C. – Cynthia McMahon-Jenkin, D.C.*
 - e) Mark L. Stutman, D.C., is applying for the below 3 trade names:
Broadway Back and Pain Clinic, Mark L. Stutman, D.C. (located in Baltimore City)
Langley Park Back and Pain Clinic, Mark L. Stutman, D.C. (located in Takoma Park)
Laurel Back and Pain Clinic, Mark L. Stutman, D.C. (located in Laurel)
5. **Review of Preceptor petition from Brian R. Paris, D.C.**
6. **Petition from Brian R. Paris, D.C., to waive educational requirements for C.A. trainee/applicant, Ms. Candice Elegir.**
7. **Petition from Ms. Ella Lockard to waive educational requirements as a C.A. trainee/applicant.**

8. **Petition from Ms. Sae Hwa Kim, R.N., to waive educational requirements as a C.A. trainee/ applicant.**
9. **Petition from Ms. Monica Kacala, LMT, to allow massage therapists to use a new slimming treatment called the "Synergie Aesthetic Massage System."**
10. **Petition from Ms. Trish Dorgan, LMT, regarding permission to exchange massages.**
11. **FYI – Five (5) chiropractors passed their Supervising Chiropractor Examination on January 8, 2009: a) Heather McCoy Blackston, D.C.; b) Carmel Dekel, D.C.; c) Jill Moore, D.C.; d) Alan P. Scheiner, D.C.; and e) Ryan Shakley, D.C.**
12. **FYI – Miscellaneous correspondence for review/discussion.**

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BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
MINUTES – GENERAL SESSION

February 19, 2009

Members Present

Duane R. Sadula, D.C., Board President
Kay B. O'Hara, D.C., Board Vice-President
Stephanie J. Chaney, D.C.
Mary Anne Frizzera-Hucek, Consumer
Issie L. Shelton Jenkins, Consumer

Non-Members Present

J.J. Vallone, Executive Director
Christopher J. Kelter, Deputy Director
Grant D. Gerber, Esq., Board Counsel
David Ford, Board Investigator
Maria Ware, Office Manager/Supervisor

Members Absent

Marc M. Gamerman, D.C.
Margaret Renzetti, D.C., Board Secretary/Treasurer

Dr. Duane Sadula called the meeting to order at 10:00 A.M.

Review of Agenda and Minutes

The February 19th Agenda was amended as follows: 1) under no. 3, add “g. Discussion of Pending Legislation”; and add “h. FCLB/NBCE Annual Meetings”; 2) under no. 4, add “e. Chiropractic Office & Wellness Center, Cynthia McMahon-Jenkin, D.C.” Dr. O'Hara motioned to accept the amended Agenda; Ms. Hucek seconded, and the motion was unanimously voted.

The December 11th Minutes were approved as drafted. Dr. O'Hara motioned to accept the Minutes; Dr. Chaney seconded, and the motion was unanimously voted. (*NOTE: No Board meeting was held in January.*)

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

- Update Regarding the Budget: Currently, the Board is fiscally sound and able to proceed with interviewing for an investigator.
- Update on Interview/Hiring of Board Investigator: The Board completed the first round of interviews. An Interview Panel (Mr. Vallone, Mr. Ford, Ms. Ware, and Ms. Aileen Taylor, Exec. Dir., Board of Professional Counselors) will conduct a second interview of the seven (7) best-qualified applicants. The candidate tentatively selected by the Board/Interview Panel will be notified by Personnel.

- Board Counsel Legal Services and Compensation: The Board of Morticians and this Board each pay 50% of Mr. Gerber's salary/benefits. Mr. Gerber initially provided only occasional advice to the Occupational Therapy (OT) Board, but subsequently began providing full counsel services for the OT Board (Ms. Donna Ashman, Exec. Dir.) and the newly formed Child Care Administrators Board (Ms. Kim Mayer, Exec. Dir.). Mr. Gerber also attended meetings and conducted all levels of legal advice, review, and representation to the two Boards. This took significant amounts of time away from projects for the two Boards paying his salary. In order to continue to use Mr. Gerber's services, the OT and Child Care Boards will need to each pay 25% of Mr. Grant's salary/benefits. The OT Board has signed a Memorandum of Understanding. The Child Care Board will participate as soon as their Board is formulated.
- Legislative Task Force: Mr. Vallone distributed and discussed the Report of the Task Force on Discipline of Health Care Professionals and Improved Patient Care.
- Discussion of Pending Legislation: Senate Bill 789 – Re-establishes the Massage Therapy Advisory Committee under the Chiropractic Board until July 2009. Senator Katherine A. Klausmeier and AMTA support this bill, which comes up for testimony in a couple of weeks. Mr. Vallone and Mr. Kelter will testify. House Bill 1275 – Requires certain health occupation boards to provide certain notification to certain licensees/certificate holders of board vacancies; requires certain health occupation boards to collect certain racial and ethnic information; requires certain health occupation boards to reasonably reflect certain geographic, racial, ethnic, cultural, and gender diversity, etc. Mr. Vallone discussed how this bill will address the disproportionate disciplining of one racial/ethnic group over another; this bill addresses this issue. Delegate Shirley Nathan-Pulliam supports this bill. Athletic Trainer Bill Updates – Mr. Kelter went to Annapolis on February 18th and discussed the proceedings.
- The FCLB/NBCE Annual Business Meeting of NBCE Delegates will be held on May 6-10, 2009 in Hollywood, CA. Dr. Sadula and Dr. O'Hara will attend as Voting Delegate and Alternate Delegate, respectively.
- The FCLB/NBCE Part IV Test Committee Meeting is scheduled for June 12-13, 2009; Dr. Sadula will attend. The FCLB/NBCE Part IV Committee Meeting will be held June 12-13, 2009; Dr. Gamerman and Dr. Chaney are scheduled to represent the Board.

Review of the Chiropractic Assistants' Renewal Process: 4/01/2009 to 3/31/2011 – Ms. Ware

Around the third week of January, 532 renewals were mailed to all active C.A.s. As of this date, 44 renewals have been received and processed, of which 12 have voluntarily non-renewed. There were also 16 C.A.s listed on the State Comptroller's list. The Board has deposited \$11,000.

Review of Massage Renewals/Amnesty Program Progress – Mr. Kelter

The amnesty program has achieved some success. Ms. Danielle Gonnelli has made over 500 telephone calls. Ms. Gonnelli and Mr. Ford may proactively scan malls to make certain that LMTs/RMPs who opted not to participate in the program are not practicing. Ms. Gonnelli will also review advertisements and research massage societies for non-renewed massage therapists who may still be practicing.

Request for Trade Name Approval – David B. Fishkin, D.C.

Dr. Fishkin requests Board approval to use the trade name “The Center for Low Back Pain, LLC, David B. Fishkin D.C., M.P.H.” in his practice. Ms. Jenkins made a motion to approve the trade name; Dr. Chaney seconded, and the motion was unanimously voted.

Request for Trade Name Approval – David J. Kopelove, D.C.

Dr. Kopelove requests Board approval to use the trade name “Back Pain & Headache Center, LLC” in his practice. The Board discussed that Dr. Kopelove would need to add his name/D.C. to the requested trade name before approval. Dr. O’Hara made a motion to approve the trade name (“Back Pain & Headache Center, LLC, David J. Kopelove, D.C.”); Dr. Chaney seconded, and the motion was unanimously voted.

Request for Trade Name Approval – Jill Moore, D.C.

Dr. Moore requests Board approval to use the trade name “Live Well Family Chiropractic” in her practice. Ms. Hucek made a motion to approve the trade name; Dr. Chaney seconded, and the motion was unanimously voted.

Request for Trade Name Approval – Mark L. Stutman, D.C.

Dr. Stutman requests Board approval to use the following three (3) trade names at different geographical locations: a) “Broadway Back and Pain Clinic, Mark L. Stutman, D.C.” (located in Baltimore City); b) “Langley Park Back and Pain Clinic, Mark L. Stutman, D.C.” (located in Takoma Park); and c) “Laurel Back and Pain Clinic, Mark L. Stutman, D.C.” (located in Laurel). Dr. Chaney made a motion to approve the three trade names; Ms. Hucek seconded, and the motion was unanimously voted.

Request for Trade Name Approval – Cynthia McMahan-Jenkin, D.C.

Dr. McMahan-Jenkin requests Board approval to use the trade name “Chiropractic Office & Wellness Center, Cynthia McMahan-Jenkin, D.C.” in her practice. Dr. Chaney made a motion to approve the trade name; Ms. Hucek seconded, and the motion was unanimously voted.

Review of Preceptor Petition – Brian R. Paris, D.C.

Dr. Paris is requesting preceptorship status. Dr. Sadula and the Board Investigator, Mr. Ford, will conduct a formal inspection/review of Dr. Paris' practice to insure that clinical and administrative procedures are suitable.

Petition from Brian R. Paris D.C.

Dr. Paris petitions the Board to waive the educational requirements (COMAR 10.43.07.05C) for C.A. trainee/applicant, Ms. Candice Elegir, because she is a licensed physical therapist. The Board reviewed all documentation submitted and motioned the following: a) Ms. Elegir will be exempt from all didactic coursework; b) she must complete the 520-hour hands-on clinical training with the Supervising Chiropractor; and c) she must take and pass the C.A. examination at the completion of the clinical training. Dr. O'Hara supported the motion; Dr. Chaney seconded, and the motion was unanimously voted.

Petition from Ms. Ella Lockard

Ms. Lockard petitions the Board to waive the educational requirements (COMAR 10.43.07.05C) as a C.A. trainee/applicant because of her extensive training as an EMT, and her six-month C.A. training/supervision by Sheldon Zeller, D.C. The Board reviewed all documentation submitted and motioned to deny Ms. Lockard's petition. Dr. O'Hara supported the motion; Dr. Chaney seconded, and the motion was unanimously voted. In order to qualify for C.A. status, Ms. Lockard must satisfactorily complete the entire didactic coursework, the hands-on clinical training, and take and pass the Board's C.A. examination.

Petition from Ms. Sae Hwa Kim, R.N.

Ms. Kim petitions the Board to waive the educational requirements (COMAR 10.43.07.05C) as a C.A. trainee/applicant because of her medical background as a registered nurse. The Board reviewed all documentation submitted and motioned the following: a) Ms. Kim will be exempt from all didactic coursework; b) she must complete the 520-hour hands-on clinical training with the Supervising Chiropractor; and c) she must take and pass the C.A. examination at the completion of the clinical training. Dr. O'Hara supported the motion; Ms. Hucek seconded, and the motion was unanimously voted.

Petition from Ms. Monica Kacala, LMT

Ms. Kacala petitions the Board to allow massage therapists to provide a new slimming treatment called the "Synergie Aesthetic Massage System" for her clientele at the spa where she works. The Board reviewed all documentation provided and determined that this system does not constitute massage therapy and may not be employed or advertised as massage therapy since it does not involve manual manipulation. The Board also discussed that this treatment is more related to cosmetology and that Board may be contacted to obtain further information/guidance. Dr. Chaney made a motion to support the Board's decision; Dr. O'Hara seconded, and the motion was unanimously voted.

Petition from Ms. Trish Dorgan, LMT

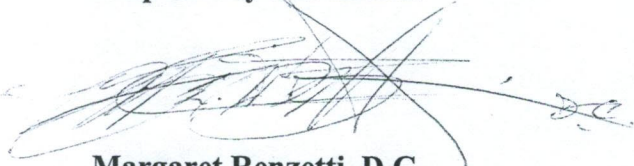
Ms. Dorgan petitions the Board to review her request to exchange massages between friends while her LMT license is in an inactive status and no compensation is provided. The Board determined that massage exchanges with friends and family is permissible in circumstances where no compensation or anything else of value is exchanged.

Miscellaneous

1. The February 12th Board Meeting was rescheduled by telephone/E-mail consensus to February 19th. DHMH was closed on February 12th due to a power outage.
2. The following five (5) chiropractors appeared at the Board Office to take the Supervising Chiropractic examination on January 8, 2009: a) Heather McCoy Blackston, D.C.; b) Carmel Dekel, D.C.; c) Jill Moore, D.C.; d) Alan P. Scheiner, D.C.; and e) Ryan Shakley, D.C. All five passed the examination.
3. As non-participant observers, Dr. Sadula and Dr. O'Hara, Educational Subcommittee, will monitor the Dry Needling Seminar given by David Fishkin, D.C.

Upon motion by Ms. Hucek, seconded by Dr. Chaney, the Board unanimously voted to adjourn the General Session at 11:30 A.M.

Respectfully Submitted:



Margaret Renzetti, D.C.
Board Secretary/Treasurer