

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
BOARD MEETING

May 14, 2009

GENERAL SESSION AGENDA

1. **Review, approval of Agenda.**
2. **Review, approval of Board Minutes of last meeting (April 9th).**
3. **Review of Administrative Staff Issues, Mr. J.J. Vallone, Executive Director:**
 - a) Introduction of new Board Member, Daniel J. Kraus, D.C.
 - b) Selection of new Board Member, Jonathan C. Nou, D.C.
 - c) Status of Chiropractic on-line renewal
 - d) Update on part-time contractual position, Grade 11
 - e) Update on Senate Bill 789 and House Bill 1275
 - f) C.A. jurisprudence re-working
4. **Board entered into a Closed Session discussion regarding Ms. Mercedes Clemens, LMT.**
5. **C.A. Renewal and Amnesty Program wrap-up – Ms. Ware and Mr. Kelter.**
6. **Requests for trade name approval:**
 - a) *Wyman Chiropractic Care & Rehab, LLC* – Kevin J. Wyman, D.C. (*trade name change*)
7. **Petition from Mark L. Stutman, D.C., regarding refund of fees paid for C.A. applicant, Mrs. Ramona Alina Ianau-Alan.**
8. **Billing issue presented by Dr. Gamerman.**
9. **FYI – Miscellaneous correspondence for review/discussion.**

BOARD WORKING LUNCH INTO EXECUTIVE SESSION

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
MINUTES – GENERAL SESSION

May 14, 2009

Members Present

Duane R. Sadula, D.C., Board President
Kay B. O'Hara, D.C., Board Vice-President
Margaret Renzetti, D.C., Board Secretary/Treasurer
Stephanie J. Chaney, D.C.
Marc M. Gamerman, D.C.
Daniel J. Kraus, D.C.

Members Absent

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, Senior Board Investigator
Marc C. Ware, Board Investigator
Maria Ware, Office Manager/Supervisor
The Hon. Senator Paula Hollinger
Sharon Bloom, DHMH Liaison
Steve Lash, Reporter, *The Daily Record*
Katherine Rizzo, Reporter, *The Equiery*
Paul Sherman, Esq., The Institute for Justice

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

Review of Agenda and Minutes

The May 14th Agenda was amended as follows: 1) under no. 3, add “a. Introduction of Daniel J. Kraus, D.C.”; add “b. Selection of New Board Member – Jonathan C. Nou, D.C.”; and add “f. C.A. Jurisprudence Re-working”; 2) move no. 6 to Executive Session; 3) add no. 8, “Issue Presented by Dr. Gamerman”; and 4) add no. 9, “Closed Session – Discussion Regarding Ms. Mercedes Clemens, LMT.” Dr. O'Hara motioned to accept the amended Agenda; Dr. Gamerman seconded, and the motion was unanimously voted.

The April 9th Minutes were approved as drafted. Dr. O'Hara motioned to accept the Minutes; Dr. Chaney seconded, and the motion was unanimously voted.

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

- Daniel J. Kraus, D.C., was welcomed today as the newest member of the Board. Dr. Kraus serves a term which began October 1, 2008 through September 30, 2012.
- Selection of New Board Member: Jonathan Nou, D.C., will begin his tenure with the Board starting July 1st.
- Update on SB 789 and HB 1275: Senate Bill 789, which re-establishes the Massage Therapy Advisory Committee under the Chiropractic Board until July 2009, passed and has been signed by the Governor. The Task Force Bill, House Bill 1275, was defeated.

- Status of Chiropractic Electronic Renewal: Mr. Vallone and Mr. Kelter met with Network Specialists, Mr. Henry Harle and Mr. Vladimir Konstantinov, in preparation for the chiropractors' on-line renewal. Chiropractors must enter their names, social security numbers, and license numbers in order to access the database. Once in the database, chiropractors will be directed to answer key questions. Information regarding CEU/CPR courses taken must also be listed. The Board will conduct a random audit of renewals to have selected chiropractors submit paper copies of CEUs listed. Renewal fees can only be paid through Visa and Master Card. The Board will pay the Bank of America a processing fee to process each credit card payment.
- The Department of Budget and Management approved the Board's 50% Grade 11 contractual position. The position was advertised and several interviews were conducted; Ms. Danielle Gonnelli is the selected candidate. The Board will submit the necessary paperwork to Personnel; a June 17th start date is proposed.
- C.A. Jurisprudence Re-working: The CEU instructors are re-working the C.A. jurisprudence, preparing 130 questions each. Dr. Keith Scott and Dr. David Bohn have submitted their questions for review; the Board is currently waiting for examination questions from Dr. Louis Crivelli, Dr. Rodney Rishel, and Dr. Michael Fedorczyk. The Board will compile 100 jurisprudence questions for vetting by Board Members.

Closed Session – Discussion Regarding Ms. Mercedes Clemens, LMT

At 10:40 A.M., by motion of Dr. Renzetti, seconded by Dr. Chaney, and unanimously voted, the Board exited the General Session and entered into a Closed Session in order to receive legal advice from the Board Counsel. Senator Hollinger, Ms. Bloom, Mr. Steve Lash (reporter from *The Daily Record*, [443] 524-8162), Ms. Katherine Rizzo (reporter from *The Equiery*, [301] 904-4048), and Mr. Paul Sherman, Esq. (representing The Institute for Justice, [703] 682-9320) vacated the meeting at this time. Review the Executive Session for details. At 11:30 A.M., by motion of Dr. Chaney, seconded by Dr. O'Hara, and unanimously voted, the Board exited the Closed Session, and returned to the General Session. All parties returned and were invited to remain for the duration of the General Session.

C.A. Renewal Wrap-up, 2009-2011 – Ms. Ware:

In January, 532 renewals were mailed to all active C.A.s. As of this date, 407 renewals have been received; \$102,850 in fees have been deposited; 16 C.A.s were listed as tax-delinquent (10 cleared); and 131 C.A.s have been listed as non-renewed (19 were voluntary; 1 deceased). The Board advised that this data is on par with statistics of past renewals. All C.A.s who did not renew by May 1st was listed as "non-renewed" in the State's database. Any C.A. who wishes to renew once he/she has been listed as "non-renewed" will need to pay \$750 (\$250 renewal fee, \$200 late fee, and \$300 reinstatement fee).

Amnesty Program Wrap-up – Mr. Kelter:

During the Amnesty process, Board staff contacted/attempted to contact a total of 510 individuals who failed to renew during the 2008-2010 renewal period. Initial contact was made via telephone call and, where possible, a follow-up E-mail was sent. A grand total of 61 individuals accepted the amnesty offer and submitted renewal applications with the appropriate fee. A total of 55 individuals completed the CEU/CPR requirements. A total of 6 individuals failed to submit CEU/CPR documentation by the required deadline. Orders were issued for the return of the renewal licenses/registrations for failure to complete the requirements to qualify for renewal. To date, 3 of the 6 individuals who failed to complete the CEU/CPR requirements have returned their renewal licenses/registrations to the Board. Additionally, a total of 54 individuals said “yes” to the amnesty offer, but did not return the amnesty renewal form. A total of 51 individuals declared to the Board their outright refusal of the amnesty offer. The Board received no response or was otherwise unable to contact 344 individuals. Barring any unforeseen developments, there should be no changes to the foregoing figures.

Request for Trade Name Change – Kevin J. Wyman, D.C.

Dr. Wyman requests Board approval to change his trade name to “Wyman Chiropractic Care & Rehab, LLC” (*previous trade name “Chiro Care of Shady Grove” did not have prior Board approval*). Dr. Renzetti made a motion to approve the trade name change; Dr. Chaney seconded, and the motion was unanimously voted.

Request from Mark L. Stutman, D.C.

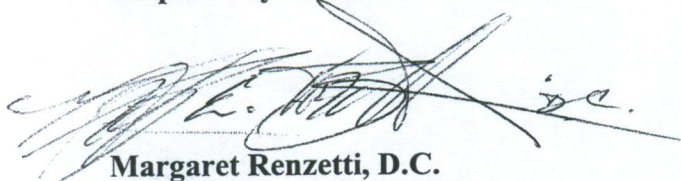
Dr. Stutman requests the Board to refund fees he paid for C.A. applicant, Mrs. Ramona Alina Ianau-Alan, who failed to appear for the April 21, 2009 examination. The Board motioned to refund the examination fee of \$300. Dr. Chaney supported the motion; Dr. Kraus seconded, and the motion was voted by 5. Dr. Renzetti abstained.

Issue Presented by Dr. Gamerman

At the MCA Annual Meeting, Dr. Gamerman was approached by a chiropractor regarding whether an LMT, who is an employee of a chiropractor, can bill the insurance company for services rendered under the chiropractor’s license. The Board advised that the chiropractor would need to submit his inquiry directly to the Board for response.

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

Respectfully Submitted:



**Margaret Renzetti, D.C.
Board Secretary/Treasurer**