

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

*October 13, 2011*

**GENERAL SESSION AGENDA**

---

---

1. **Review, approval of Agenda.**
2. **Review, approval of Board Minutes of last meeting (September 8<sup>th</sup>).**
3. **The Board will conduct a discussion/interview with the eleven (11) new chiropractic applicants who appeared today for the jurisprudence examination.**
4. **Review of Administrative Staff Issues, Mr. J.J. Vallone, Executive Director:**
  - a) Update on hiring of Board Investigator (Grade 14) – Introduction of Mr. Christopher Bieling, who will start November 2, 2011
  - b) Citizens Advocacy Center Meeting – October 20-21, 2011 in Washington, D.C.; Ms. E. Jolivet (Consumer), Ms. M. Hucek (Consumer) and Ms. G. Harrison (LMT) to attend
  - c) Final Statistics/Report for 2011-2013 Chiropractic Biennial Renewal – Ms. M. Ware
  - d) The Federation of State Massage Therapy Board's (FSMTB) Annual Conference – October 14-15, 2011 in Los Angeles, CA
5. **Brief Summary regarding the FCLB Districts III and V Regional Meeting held 9/8/11 – 9/11/11 in Halifax, Nova Scotia – Dr. Chaney and Dr. Fedorczyk.**
6. **Issue regarding the Central Massage School of Maryland accreditation.**
7. **Petition from Adam Fidel, D.C., for a refund of the \$500 late fee imposed by the on-line renewal database. 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 renewal process is based on when a licensee has completed/submitted the renewal form and made payment (not when he/she initially starts).**
8. **Petition from Robert Poane, D.C., to be trained, along with his C.A.s, in the operation of the thermograph, as a service to his patients. Currently, he has an independent certified thermography technician contractor operating in his office.**
9. **Petition from Ms. Melissa A. Steger, Massage Therapy Applicant, to accept her non-accredited massage school training from The Pittsburgh School of Massage Therapy. Pittsburgh, PA.**

**10. Requests for chiropractic trade name approval:**

- a) *Prime Health Chiropractic, PC* – Rachel Ash, D.C. (*trade name change*)
- b) *Carney Chiropractic Center* – Lance J. Loomis, D.C. (*trade name change*)

**11. Requests for massage trade name approval:**

- a) *Modest Massages, LLC* – Sarah Jean Lawson, RMP
- b) *Ann's Massage Studio at Queen's Landing* – Ruth Ann Tillman, RMP
- c) *Integration Studios: Massage Therapy & Yoga* – Susan L. Heiss, LMT
- d) *Artesia Massage Therapy* – Crystal M. Tucker, LMT (*mobile massage*)
- e) *Martina Duncan, RMP* – Martina Duncan, RMP

**12. Maryland Health Care Commission (MHCC) renewal questions.**

**13. FYI – Miscellaneous correspondence for review/discussion.**

***BOARD WORKING LUNCH***

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

*October 13, 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.  
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, Newly Appointed Board Invest.  
The Hon. Senator Paula Hollinger  
Kristen Neville, Legislation/Regs Specialist  
Anthony Lane Hinkle, LMT, NCBTMB, MD Brd. Liaison  
William H. Haynes, AMTA

**Members Absent**

Karen Biagiotti, LMT  
David A. Cox, LMT

---

---

*Dr. Michael Fedorczyk called the meeting to order at 10:00 A.M.*

**Review of Agenda and Minutes**

The October 13th Agenda was amended as follows: 1) renumber and add new no. 3 "Board Orientation for New Chiropractic Licensees"; 2) under no. 4, amend "b." to include Ms. Gwenda Harrison, LMT; and add "d. The Federation of State Massage Therapy Board's (FSMTB) Annual Conference"; 3) under no. 10, add "b. Carney Chiropractic Center – Lance J. Loomis, D.C."; 4) under no. 11, add "d. Artesia Massage Therapy – Crystal M. Tucker, LMT"; and add "e. Martina Duncan, RMP – Martina Duncan, RMP"; and 5) add no. 12, "Maryland Health Care Commission (MHCC) Renewal Questions." Dr. O'Hara motioned to accept the amended Agenda; Ms. Hucek seconded, and the motion was unanimously voted.

The September 8<sup>th</sup> Minutes were approved as drafted. Ms. Hucek motioned to accept the Minutes; Ms. Jolivet seconded, and the motion was unanimously voted.

**Board Orientation for New Chiropractic Licensees**

The Board presented an open discussion/interview session to eleven (11) chiropractic applicants/licensees who appeared today to take the new State jurisprudence examination, which included twenty (20) additional questions relating to supervisory chiropractic. The discussion included various regulatory, disciplinary, and ethical issues relative to practicing in Maryland.



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

- Mr. Christopher Bieling was introduced as the newly hired Board Investigator (Grade 14). Mr. Bieling is a 31-year veteran of the Baltimore City Police Department and currently works for the Maryland State Lottery Agency as a Lottery Security Specialist. Mr. Bieling's official start date with the Board is November 2, 2011.
- The Citizen Advocacy Center (CAC) 2011 Annual Meeting: The meeting is scheduled for October 20-21, 2011 in Washington, D.C. The CAC provides training, research, technical support, and networking opportunities for public members and the health professional boards on which they serve. This year's meeting is titled "Achieving Regulatory Excellence, Effective Discipline Programs," concentrating on an examination of various aspects of licensing board disciplinary programs. Ms. Ernestine Jones Jolivet (Consumer Member), Ms. Mary Anne Frizzera-Hucek (Consumer Member) and Ms. Gwenda Harrison, LMT, will attend the CAC Meeting. The Board will pay the registration fee of \$445 per attendee; also, Board Members will receive per diem plus transportation reimbursement.
- The Federation of State Massage Therapy Board's (FSMTB) Annual Conference: The FSMTB's Annual Conference is scheduled for October 14-15, 2011 in Los Angeles, CA. Ms. Biagiotti and Mr. Cox will attend as Board Delegate and Board Member, respectively; Ms. Emily Jones, the Board's Licensing Coordinator, will also attend.
- Ms. Michelle Czarnecki, part-time paid contractual Consultant (legal) has been currently working one day a week, assisting Board Counsel at his office, primarily with drafting and processing the Board Orders/cases and conducting legal research. Ms. Czarnecki will also work on Fridays at the Board office, as necessary.

**Final Statistics/Report for 2011-2013 Chiropractic Biennial Renewal – Ms. Ware**

The on-line renewal opened live on July 15, 2011 to all active/inactive chiropractors. Active fees were reduced from the regulatory ceiling of \$700.00 to \$600.00 (in addition to the MHCC fee of \$28.00 = \$628.00 total); inactive fees were reduced from \$350.00 to \$150.00. According to the Board's Fiscal Quarterly Report, as of 9/30/2011, the final statistics are: 1) 815 renewals have been processed (733 renewed as active; 82 chiropractors changed or maintained their status as inactive); 2) \$452,100.00 in fees have been deposited; 3) Maryland Health Care Commission (MHCC) fees collected for 733 active chiropractors = \$20,524.00; 4) 6 licensees paid an additional \$500.00 late fee totaling \$3,000.00; 5) 35 chiropractors were identified by the Comptroller's Office as being tax-delinquent (32 cleared, and 31 of the 32 have processed their renewals); and 6) 114 (15%) chiropractors were randomly audited (109 chiropractors submitted CEUs as required). The on-line system officially closed midnight, September 30, 2011. On October 3, 2011, **63** licensees who had not renewed had their status changed in the database by the Board to non-renewed; of the 63, 38 licensees were listed as "out-of-state." Any chiropractor who wishes to reinstate his/her license will have to submit his/her request in writing, submit CEUs/CPR card, and pay all applicable fees (renewal/late/reinstatement). The chiropractors who did not renew during this period will be listed in the next Board's Chiropractic Newsletter.



**Summary – FCLB Districts III and V Regional Meeting – Dr. Chaney and Dr. Fedorczyk**

Dr. Chaney and Dr. Fedorczyk represented Maryland at the Federation of Chiropractic Licensing Boards (FCLB) Districts III and V Regional Meeting held September 8-11, 2011 in Halifax, Nova Scotia. Dr. Chaney and Dr. Fedorczyk discussed some of the various topics highlighted at the Meeting: 1) lack of training among Board Members; 2) issues regarding chiropractic on animals; 3) regulation of chiropractic assistants; 4) CINBAD presentation – up to each state to determine the length of time disciplinary information stays on CINBAD database; Boards should always notify CINBAD when a probation has been satisfied; CINBAD has expanded from national to international; 5) information regarding Providers of Approved Continuing Education (PACE) – PACE takes the burden of approving CEUs off of the Boards; 6) informed consent (regarding strokes); 7) Model Practice Act – countries that do not have laws governing chiropractors can utilize the Model Practice Act; 8) possibly developing a “national license” for chiropractors to travel from state-to-state. Other topics of note were also discussed. The Regional Meeting proved to be very informative and it was recommended to continue to fund Board Members’ attendance.

**The Central Massage School of Maryland Accreditation Issue – Ms. Congo**

Background: The Central Massage School of Maryland (CMSM) has been on a provisional operational authorization from the Maryland Higher Education Commission (MHEC) provided that it is sufficiently moving forward with the accreditation process through the Accrediting Council for Continuing Education & Training (ACCET) Commission. CMSM was sold this past summer and is currently under ownership/management of the NY Finger Lakes Massage Holding Company. Management has provided the Board with satisfactory documentation that it is satisfactorily progressing with the ACCET accreditation process; it will have a full site visit in late Fall 2011.

Action: Continue to monitor progress of accreditation by ACCET and allow continued interim operation of CMSM with continued interim acceptance of its candidates. This will ensure that the current students will receive the benefits they were promised when they signed the enrollment agreement, under the former school’s ownership. Representatives from CMSM may appear before the Board in December or January 2012, following completion of the ACCET review and site visit.

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

Dr. Fidel petitions the Board for a refund of the \$500 late fee imposed by the on-line renewal database. Dr. Fidel started processing his renewal on 8/1/2011; however, he did not complete his renewal nor make payment until 9/8/2011 (the database system charged an additional \$500 late fee because it was past the 8/31/2011 renewal deadline). Successful completion of the renewal process is based on when a licensee has completed/submitted the renewal form and made payment—not when he/she initially starts the process. The Board motioned to deny Dr. Fidel’s request for the \$500 late fee refund. Dr. Fedorczyk supported the motion; Dr. Nou seconded, and the motion was unanimously voted.



**Petition from Robert Poane, D.C.**

Dr. Poane petitions the Board for approval to be trained, along with his C.A.s, in the operation of the digital infrared thermal imaging device (thermograph). Currently, he has an independent certified thermography technician contractor operating in his office. The Board discussed that thermography is within the chiropractic scope of practice. C.A.s, however, cannot be involved in any clinical diagnostic or analysis; they can only operate the thermography device. The Board motioned to approve Dr. Poane's petition for himself and his C.A.s, provided they are all adequately and properly trained, and provided the Board's letter emphasizes the extant regulation prohibiting C.A. diagnosis and limitation to only operation of the device. Dr. O'Hara supported the motion; Ms. Harrison seconded, and the motion was unanimously voted.

**Petition from Ms. Melissa A. Steger, Massage Therapy Applicant**

Ms. Steger, who is currently licensed in Washington, D.C., petitions the Board to accept her non-accredited massage school training from The Pittsburgh School of Massage Therapy, Pittsburgh, PA; she graduated in 2003. The Pittsburgh School is approved by the Pennsylvania Board of Education and is currently awaiting accreditation. The Board reviewed Ms. Steger's documentation and motioned to waive the accreditation requirement and accept her application for Maryland licensure. Ms. Harrison supported the motion; Dr. Fedorczyk seconded, and the motion was unanimously voted.

**Maryland Health Care Commission (MHCC) Renewal Questions**

The Executive Director submitted to Board Members for their review a draft of questions from MHCC regarding renewals. The Board motioned to make the questions optional. Dr. O'Hara supported the motion; Ms. Jolivet seconded, and the motion was unanimously voted.

**Requests for Approval of Chiropractic Trade Names**

The following chiropractic trade name requests were individually **approved** by Board motions. Dr. Fedorczyk supported the motions; Dr. Nou seconded, and the motions were unanimously voted.

1. Prime Health Chiropractic, PC – Rachel Ash, D.C. (*trade name change*)
2. Carney Chiropractic Center – Lance J. Loomis, D.C. (*trade name change*)

**Requests for Approval of Massage Trade Names**

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

1. Modest Massages, LLC – Sarah Jean Lawson, RMP
2. Ann's Massage Studio at Queen's Landing – Ruth Ann Tillman, RMP
3. Artesia Massage Therapy – Crystal M. Tucker, LMT (*mobile massage*)
4. Martina Duncan, RMP – Martina Duncan, RMP

**Requests for Approval of Massage Trade Names** (cont'd)

The following massage trade name request is **tabled** for clarification (will be presented at the November Board Meeting). Ms. Harrison made a motion to table; Dr. O'Hara seconded, and the motion was unanimously voted.

1. Integration Studios: Massage Therapy & Yoga – Susan L. Heiss, LMT

**Miscellaneous**

1. Dr. O'Hara and Board Counsel are on the Subcommittee for Sanctioning Guidelines; the deadline for the Federal report requirement is fast approaching. The Subcommittee will meet in the near future.
2. Dr. O'Hara discussed that Board Members who attend various meetings, seminars, conferences, etc., should be mindful of conversations they may have with other attendees regarding their [the attendees] concern(s) or question(s) about various issues. It should be explained that any comment(s) made by a Board Member is his/her own opinion, and he/she does not speak on behalf of the Board. Recommend that the individual(s) refer their question(s) or concern(s) to the Board's Executive Director or the Deputy Director, as is the customary practice.
3. The next examination for chiropractic assistants (C.A.) is November 8, 2011; approximately 52 C.A. applicants are scheduled to take the examination.

*Upon motion by Ms. Hucek, seconded by Ms. Jolivet, the Board unanimously voted to adjourn the General Session at 12:00 P.M.*

**Respectfully Submitted:**



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