BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
MINUTES – GENERAL SESSION

August 8, 2013

Members Present
Michael Fedorczyk, D.C., Board President
Jonathan Nou, D.C., Board Vice-President
Robert Frieman, D.C., Board Treasurer
Stephanie Chaney, D.C., Fmr Bd. President
Michael Moskowitz, D.C.
Joanne Bushman, D.C.
David Cox, LMT
Karen Biagiotti, LMT
Gwenda Harrison, LMT
Gloria Boddie-Epps, Consumer Member
Ernestine Jones Jolivet, Consumer Member

Non-Members Present
James Vallone, Executive Director
Adrienne Congo, Deputy Director
Grant Gerber, Esq., Board Counsel
Michelle Czarnecki, Legal Assistant
James Gamble, Admin II Specialist
Jean Jeffreys, LMT
Kristen Neville, DHMH

Members Absent
N/A

Dr. Michael Fedorczyk called the meeting to order at 10:05 am.

Review of Agenda and Minutes
The August 8, 2013 Agenda was reviewed by the Board. The following revisions were made: (1) Addition of an introduction to Mr. James Gamble, the Board's new Administrator II; (2) Deletion of #4 FCLB Presentation and replacement with "Discussion on Subcommittees"; (3) Addition of the "Appointment of Delegates to the FSMTB Event" as subsection "f" under Administrative Issues; (4) Addition of a petition from Shannon Ditzel as subsection "d" to Massage Therapy Petitions.

Dr. Nou moved to approve the August 8, 2013 Agenda with those revisions; Dr. Frieman seconded, and the motion was unanimously voted by the Board.

The July 11, 2013 Board Minutes were reviewed by the Board. Dr. Nou moved to approve the July 11, 2013 Board Minutes as written; Dr. Frieman seconded, and the motion was unanimously voted by the Board.

Review of Administrative Issues, Mr. J.J. Vallone, JD, Executive Director and Ms. Adrienne Congo, MS, Deputy Director

a) **Transition to Tablets and Digitizing Paper-based documents:**

Microsoft tablets will be distributed to all Board members after the meeting to facilitate paperless Board meetings and hearings. An online cloud will be used to attach board meeting documents for easy access to Board members.

b) Consideration of reduced quorums for disciplinary hearings/LMT members as panel for massage therapy disciplinary cases:

The Board discussed the possibility of employing reduced quorums with LMT members heading a panel for LMT/RMP disciplinary hearings. These reduced quorums will *not* result in absences for those board members who are not present. The Board President is permitted to appoint any member to chair a hearing. David Cox, LMT has offered to chair the hearing panel for the September 19, 2013 disciplinary hearing.

The Board held a general discussion regarding whether or not a reduced quorum is useful and or/necessary. Mr. Gerber suggested that if reduced quorums are used, the parties should be notified of the designated panel chair. The Board agreed that the use of reduced quorums should be assessed season-by-season depending on the schedule of the Board.

c) Prospective Board training ideas/agenda/logistics:

The Board discussed potential dates for board training, most likely in the fall or winter. The Board narrowed the dates down to November 21 or December 5, 2013. Ms. Harrison, Dr. Fedorczyk, Mr. Vallone and Ms. Congo will collaborate to create the agenda for this training day. Potential topics include: Attorney General's Office disciplinary procedures, Board investigative procedures, massage therapy and chiropractic demonstrations, training on Robert's Rules of Order and use in public meetings, etc. Board members should submit any topics they wish to discuss to those creating the agenda. November 4th is also new Board member training day, which is mandatory for any new members who did not attend the previous year's training.

d) Implementation of MD Veteran's Full Employment Act

The MD Veteran's Full Employment Act is a statutory mandate that requires the Board to change forms to allow applicants to indicate veteran's status (those who were honorably discharged within one year of application). Qualifying applicants will receive reduced fees, specific counseling, and will have an expedited application process. Board forms have already been updated to reflect veteran's status, and Ms. Congo has already spoken to several veteran applicants.

e) NBCE Exam Representation—November 8-10, 2013

Two board members will need to attend the NBCE exam in November; Dr. Nou has already volunteered, and Dr. Fedorczyk suggested that a newer member attend along with him. The event counts for CEU credits. Interested members should email Mr. Vallone or Dr. Fedorczyk by Sept 27th if they plan to attend.

f) Appointment of Delegates to FSMTB Annual Meeting:

FSMTB will hold their annual meeting on October 10-12, 2013 in downtown Baltimore at the Sheraton Hotel. Mr. Cox and Ms. Harrison have volunteered to attend. Another interested board member may attend, with per diem provided.

g) **Introduction to Mr. James Gamble, Administrator II:**
Mr. Gamble joins the Board staff as Administrator II, replacing Ms. Maria Ware who retired this year. Mr. Gamble is originally from FL and is a veteran of the United States Marine Corp. The Board welcomed him to the staff.

Discussion of Board Subcommittees—Dr. Michael Fedorczyk, D.C.:

The Board reviewed the three subcommittees currently in existence: the Bylaws Subcommittee, the Regulations Subcommittee, and the Trade Name Subcommitee. The Board agreed that a formal Disciplinary Subcommittee should be created, which would review any disciplinary questions regarding jurisdiction that Mr. Vallone is unable to answer administratively. The Board agreed that this subcommittee should consist of 1 chiropractor, 1 LMT and 1 consumer member. Dr. Nou, Ms. Harrison, and Ms. Boddie-Epps volunteered to be on the Disciplinary Subcommittee.

The Bylaws Subcommittee met before the meeting. The Board agreed that this subcommittee will be reviewed on a yearly basis to determine whether it should continue. Currently, the Bylaws Subcommittee consists of 1 chiropractor, 2 LMTs, and 1 consumer member: Dr. Chaney, Ms. Harrison, Ms. Biagiotti, and Ms. Jones Jolivet (Chairperson) are the current members. The Board agreed that this composition is appropriate for the new subcommittee, but may be changed in the future.

The Board agreed that the Regulations subcommittee should be reduced to 1 chiropractor, 1 LMT and 1 consumer member. Dr. Chaney (Chairperson), Mr. Cox and Ms. Jones Jolivet volunteered to stay on this subcommittee.

The Board further agreed that the Trade Name Subcommittee should also consist of 1 chiropractor, 1 LMT and 1 consumer member. Accordingly, the current Trade Names Subcommittee consists of Dr. Chaney, Ms. Harrison, and Ms. Boddie-Epps.

The Board agreed that a list of subcommittees should be placed on the Board's website.

Discussion of the Use of Diagnostic Ultrasound—Petition from Dr. Randy Hallman, D.C.:

Based on a petition from Dr. Hallman regarding the usefulness of diagnostic ultrasound in the practice of chiropractic, the Board held a general discussion on this topic. Mr. Vallone informed the Board that while no statute forbids the use of diagnostic ultrasound, the Board's policy has previously been that only non-diagnostic ultrasound may be used in the practice of chiropractic. Mr. Gerber advised the Board that persuasive precedent holds that diagnostic testing is permitted in the practice of chiropractic, but contingent upon it being within the context of an adjustment. The Board agreed that the proper response to Dr. Hallman would be that he may use diagnostic ultrasound so long as it is performed prudently, safely, with the proper training, and within the scope of chiropractic.

Chiropractic Petitions:

a) **Preceptor Application**—Jeffrey C. Michael, D.C., Extern Sarah C. Kernan

Dr. Bushman volunteered to accompany Board Investigator Mr. David Ford for an observance/inspection of this chiropractor.

Massage Therapy Petitions:

a) David Carrington, Applicant- Waiver Provision (§3-5A-07)

Mr. Carrington petitions the Board to waiver the educational accreditation component to his massage training school, Body Wisdom Massage Therapy School, where he received 750 hours of training. His school is state approved and Iowa Board approved.

Based on this information, Mr. Cox moved to approve Mr. Carrington's petition for waiver of the accreditation component for his application; Ms. Harrison seconded, and the motion was unanimously voted by the Board.

b) Marlene Mayman, Applicant – Waiver Provision (§3-5A-07)

Ms. Mayman petitions the Board to waive the educational accreditation component to her massage training school, Shenandoah Valley School for Therapeutic Massage, which was previously approved by the Board in July of 2013. Ms. Mayman is nationally certified and is actively licensed in West Virginia and the District of Columbia.

Based on this information, Mr. Cox moved to approve Ms. Mayman's petition for waiver of the accreditation component for her application; Dr. Frieman seconded, and the motion was unanimously voted by the Board.

c) Audrey I. Marusich, Applicant – Waiver Provision (§3-5A-07)

Ms. Marusich petitions the Board to waive the educational accreditation component to her massage training school, Shenandoah Valley School for Therapeutic Massage, which was previously approved by the Board in July of 2013. Ms. Mayman is nationally certified and is actively licensed in Virginia.
Based on this information, Mr. Cox moved to approve Ms. Mayman's petition for waiver of the accreditation component for her application; Dr. Frieman seconded, and the motion was unanimously voted by the Board.

Based on this information, Mr. Cox moved to approve Ms. Mayman's petition for waiver of the accreditation component for her application; Ms. Boddie-Epps seconded, and the motion was unanimously voted by the Board.

d) Shannon Ditzel, Applicant – Waiver of Graduation Requirement

Ms. Shannon Ditzel petitions the Board to waive the graduation requirement for her application to allow her to take the August 26, 2013 Jurisprudence Examination. Ms. Ditzel submitted her application before graduating from her massage therapy program at Anne Arundel Community College, despite being informed by the Board that she would need to be a graduate in order to apply. Ms. Ditzel is on track to graduate from her massage therapy program on August 23, 2013, and has taken and passed the NCBTMB examination.

Based on this information, Ms. Biagiotti moved to deny Ms. Ditzel's petition to waive the graduation requirement for submittal of her application; Dr. Bushman seconded, and the motion was unanimously voted by the Board.

Chiropractic Trade Name Requests:
No chiropractic trade name requests were submitted this month.

Massage Therapy Trade Name Requests:
The following massage therapy trade name requests were **approved** by Board motions. Mr. Cox moved to approve; Ms. Boddie-Epps seconded, and the motions were unanimously voted.

a) ***Caring Hands Therapeutic Massage, LLC. Shannon Rodrigues, RMP***—Shannon Rodrigues, RMP
b) ***Magnificent Soul Massage***—Jill A. Johnson, LMT
c) ***Shine—A Massage and Wellness Studio***—Sally S. Burkholder, LMT
d) ***Palms to Souls Massage Therapy RMP***—Nadine Crest, RMP
e) ***Personal Wellness Massage with Heather Dawson***—Heather M. Dawson, RMP

Naturopathic Medicine Workgroup/Study and Telemedicine Task Force:
Executive Director James Vallone attended the Naturopathic Medicine Workgroup meeting with DHMH legislative specialist Kristen Neville. Ms. Neville updated the Board that Naturopathic Doctors have been lobbying to be licensed under the Board of Physicians. Ms. Neville explained that they have been very organized, forthcoming, and cooperative with the concerns shared over their propose regulations.

A telemedicine task force has been created to address the various issues created by the telemedicine movement. FARB is attempting to create a Model Act on this issue.

Discussion of Two-Tiered Licensing/Registration of RMPs and LMTs:
The Board held a general discussion regarding the two-tiered system currently employed under the Board's statute. The Board unanimously agreed that the two-tiered system is not appropriate, and that efforts should be made to facilitate the amendment of this statute to create one tier of massage therapists. The Board also agreed that organizations such as AMTA and NCBTMB need to be actively involved in facilitating this change. Ms. Biagiotti volunteered to lead in this effort.

Upon motion by Dr. Nou, seconded by Dr. Frieman, the Board unanimously voted to adjourn General Session at 11:56am.

Respectfully Submitted:

Robert G. Frieman, D.C.
Board Secretary/Treasurer