

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
MINUTES – GENERAL SESSION

July 11, 2013

Members Present

Michael Fedorczyk, D.C., Board President
Jonathan Nou, D.C., Board Vice President
Robert Frieman, D.C., Board Secretary/Treasurer
Stephanie Chaney, D.C., Former Board President
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
Grant Gerber, Esq., Board Counsel
Michelle Czarnecki, Legal Assistant
Wayne Parker, LMT, President, AMTA
MD Chapter
Sharon Bloom, DHMH
Sen. Paula Hollinger, DHMH
Nicole Ganz, D.C., MCA Board
Kristen Neville, DHMH

Members Absent

Michael Moskowitz, D.C.

Dr. Michael Fedorczyk called the meeting to order at 10:03 am.

Review of Agenda and Minutes

The July 11th, 2013 Agenda was reviewed by the Board. The following revisions were made: (1) Addition of “Administrative Specialist II New Hire” as subsection “f” to “Administrative Issues.” Dr. Nou moved to accept the July 11th, 2013 Agenda with that addition; Dr. Chaney seconded, and the motion was unanimously voted by the Board.

The June 13th, 2013 Board Minutes for the abbreviated general session were reviewed by the Board. Dr. Fedorczyk moved to accept the June 13th, 2013 Board minutes as written; Dr. Nou seconded, and the motion was unanimously voted by the Board.

The June 20th, 2013 Board Minutes were reviewed by the Board. The following revisions were made: (1) Addition of Dr. Moskowitz to the “Members Present” Section; (2) Corrected spelling of Dr. Bushman’s name on page 1; (3) replacement of “his” with “him” on page 4 paragraph 2 under FYI/Miscellaneous Correspondence; (4) replacement of the word “to” with “two” on page 4 paragraph 3 under FYI/Miscellaneous Correspondence. Dr. Chaney moved to accept the June 20th, 2013 Board Minutes with those revisions; Dr. Frieman seconded, and the motion was unanimously voted by the Board.

Review of Administrative Issues, Mr. J.J. Vallone, JD, Executive Director:

a) 2013-2015 Chiropractic Biennial Renewal

Chiropractic renewals will begin on July 15, 2013 to be completed by licensees online through the Board's website. The fee for license renewal is \$736, consisting of a \$700 renewal fee and \$36 Maryland Health Care Commission fee. Fifty percent (50%) of licensees will be audited for their CEU documentation, which is a higher percentage than last biennial renewal. The increase in audits is a result of non-compliance during the previous renewal period. Currently, Board Deputy Director Ms. Adrienne Congo is working with the Board's IT department to smooth out all the technical aspects of the renewal system. Ms. Czarnecki will be handling technical issues during the renewal period.

b) COMAR Revision Update

The Board voted to approve the final draft of the revised regulations at its June 20, 2013 Board Meeting. The draft was then reviewed by Ms. Kristen Neville, the Department's legislative expert, who made a few non-substantive suggestions and transferred the draft into the proper format. The draft may undergo further non-substantive changes as continues through the standard process as Mr. Vallone, Ms. Congo and Mr. Gerber check further for non-substantive corrections needed. Ms. Neville estimated to the Board last month that the best case scenario for the amendment regulations to be final and enacted would be around four months.

c) Enclosure Reminder—State Ethics Commission Packet (Appointees to Maryland Boards & Commissions)

Mr. Vallone informed the Board of the receipt of a helpful brief from the State Ethics Commission that covered various issues, copies of which were provided to the Board.

d) Fall FCLB District Meeting Attendees

Dr. Nou and Dr. Fedorczyk will be attending the FCLB District Meeting to be held this fall. Ms. Congo is coordinating travel and per diem matters. Dr. Chaney informed the Board that any board member can attend at their own expense. Mr. Vallone agreed to send an email to all board members with the information on the meeting.

e) NCBTMB—Schools, Approved Providers and Certificant Disciplinary Actions new report format

As an FYI, NCBTMB has amended their report format regarding massage therapy schools, approved providers and certificant disciplinary actions. Board staff members have been made aware of this new format.

f) Administrative Specialist II New Hire

A new Administrative Specialist II has been hired to replace Ms. Maria Ware, who recently retired. Mr. James Gamble is a ten year veteran of the Marine Corps and has ample experience in administrative work with private and government

agencies. Mr. Gamble will be starting his new position in August, and will be a welcomed addition to the Board staff.

Petition from Mr. Steven W. Stevenson, Applicant, to Waive Accreditation Component of the Education Requirement:

Mr. Steven Stevenson, Massage Therapy Applicant, petitions the Board to waive the accreditation requirement for his application for massage therapy licensure. Mr. Stevenson attended the Shenandoah Valley School of Therapeutic Massage in Edinburg, Virginia. He is actively licensed in both Virginia and West Virginia. Mr. Stevenson stated in his letter to the Board that he hopes the Board will take into consideration his credentials, experience, and professional references as well as the fact that he is currently already licensed in two states.

Mr. Stevenson also requests the Board to allow him to practice massage therapy in Maryland for a private family event on August 30, 2013 through September 1, 2013.

Based on this information, Mr. Cox moved to approve Mr. Stevenson's request to practice Massage Therapy in Maryland between August 30th and September 1st, 2013; Ms. Harrison seconded, and the motion was unanimously voted by the Board. Ms. Biagiotti moved to waive the accreditation requirement for Mr. Stevenson's application pending that the school curriculum is found to be acceptable under the Board's regulations; Ms. Jones Jolivet seconded, and the motion was unanimously voted by the Board.

Petition from Ms. Janell A. Kaplan, LMT to utilize trade name not meeting regulatory criteria:

Ms. Janell A. Kaplan, LMT petitions the Board to allow her to utilize a trade name not meeting the Board's regulatory criteria, citing that multiple practices under her current trade name would not be equally reflected. Ms. Kaplan requests the Board to allow her to use a trade name that does *not* include the words Massage, LMT or RMP. In her letter to the Board, Ms. Kaplan explained that her undergraduate degree is in Sports and Health Sciences, and that her practice has grown to include fitness and health coaching services in addition to therapeutic massage services. Ms. Kaplan further states that she is also in the process of interviewing and subcontracting other wellness professionals to join her wellness practice. Ms. Kaplan explains that she feels that her previous trade name, and the requirement to include the words Massage, LMT or RMP makes marketing her other services difficult and puts her wellness practice at a disadvantage to others in the area. Ms. Kaplan requests that her current trade name, "MyoGarden Massage & Bodywork" be replaced with "MyoGarden Centre for Wellness."

This petition prompted a discussion among the Board of the legal and administrative issues and ramifications that arise when a licensee or registrant is both a business owner and a practicing massage therapist or chiropractor at the practice in issue. The Board agreed that further research needs to be conducted into the matter of trade name

requirements under the Board's regulations and their impact on situations such as Ms. Kaplan's.

The Board further agreed that a subcommittee should be created to review the current laws and regulations regarding trade names and restrictions on practices owned/managed by licensees/registrants and to report findings and recommendations to the Board. The following board members volunteered to be part of this subcommittee: Ms. Karen Biagiotti, LMT, Ms. Gwenda Harrison, LMT, Dr. Stephanie Chaney, DC, Ms. Ernestine Jones Jolivet, Consumer Member, and Mr. David Cox, LMT.

Based on this information, Ms. Biagiotti moved to deny Ms. Kaplan's petition to utilize a trade name not meeting current regulatory requirements, and to have Board Counsel Grant Gerber, Executive Director James Vallone, and Legal Assistant Michelle Czarnecki research the legal issues regarding the Board's trade name requirements; Mr. Cox seconded, and the motion was voted by a majority of the Board, with Dr. Chaney abstaining. Mr. Vallone will draft the letter of denial/explanation to petitioner, Ms. Kaplan.

Requests for Chiropractic Trade Name Approval:

The following chiropractic trade name request was **approved** by Board motions. Dr. Nou moved to approve; Dr. Chaney seconded, and the motion was unanimously voted.

- a) *Precision Chiropractic*—Ginger Pellerin, D.C.

Requests for Massage Trade Name Approval:

The following massage therapy trade name requests were **approved** by Board motions. Ms. Biagiotti moved to approve; Ms. Boddie-Epps seconded, and the motions were unanimously voted.

- b) *Intuitive Bodywork & Massage* – Danielle J. Goodwin, RMP
- c) *California Total Body Massage* – Gwynne Buttrill, LMT
- d) *Heaven and Earth Bodyworks*—*Amy J. Guy, LMT* – Amy J. Guy, LMT
(Tentative Approval from 6/20/13 based on adding licensee's name with credentialing acronyms)

The following massage therapy trade name request was **denied** by Board motion. Ms. Biagiotti moved to deny; Ms. Boddie-Epps seconded, and the motion was unanimously voted.

- a) *MyoGarden Centre for Wellness* – Janell A. Kaplan, LMT (Replacement for "Myo Garden Massage and Bodywork")

FYI: Miscellaneous Correspondence for Review/Discussion:

Dr. Fedorczyk informed the Board that a representative from the FCLB, Dr. Larry O'Conner, will be attending next month's board meeting and wishes to address the Board and will be invited to lunch with the Board Members.

Mr. Vallone reminded the Board that the Case Resolution Conference (CRC) that was scheduled for July 11th has been canceled because the Respondent waived his right to have one regarding the summary suspension of his license, but that a hearing and another CRC are to follow. Another CRC is to be held July 18th regarding Dr. Steven Horwitz; Board Counsel Grant Gerber reiterated his request that all attending Board members that need to recuse themselves from this case do so.

Dr. Chaney informed the Board that due to the efforts of a MCA subcommittee, BlueCross BlueShield has now agreed to cover chiropractic treatments for children under the age of 12, after having previously denied coverage. The subcommittee worked diligently to show that chiropractic treatment for children under 12 has proved to be advantageous and a necessary medical treatment.

Upon motion by Dr. Nou, seconded by Dr. Frieman, the Board unanimously voted to adjourn General Session at 10:48am.

Respectfully submitted:



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