BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
MINUTES – GENERAL SESSION

April 14, 2011

Members Present

Kay B. O'Hara, D.C., Board President
Stephanie J. Chaney, D.C., Board Vice-President
Michael Fedorczyk, D.C., Board Secretary/Treasurer
Daniel J. Kraus, D.C.
Duane R. Sadula, D.C.
Karen Biagiotti, LMT
Gwenda Harrison, LMT
Mary Anne Frizzera-Hucek, Consumer Member
Ernestine Jones Jolivet, Consumer Member

Member Absent

Jonathan C. Nou, D.C.

Non-Members Present

Adrienne Congo, Deputy Director
Grant D. Gerber, Esq., Board Counsel
Maria Ware, Office Manager
David Ford, Senior Board Investigator
The Hon. Senator Paula Hollinger
Sharon Bloom, DHMH Liaison
Cher Hunter, M.A., LMT, Dir., MT Prgm., CCBC
Anthony Lane Hinkle, LMT, NCBTMB, MD Brd. Liaison
Liz Smull, LMT
Claire Heath, LMT
Jean Jeffreys, LMT
Cheryl Hicks, LMT

Dr. Kay O'Hara called the meeting to order at 10:00 A.M. (Executive Director was not in attendance.)

Review of Agenda and Minutes

The April 14th Agenda was amended as follows: 1) under no. 4, add "e. Updates/Additions to the Board's Websites"; 2) Move no. 7 and no. 9 to the Executive Session and renumber; 3) under no. 8, add "d. ABC Chiropractic, P.C., Alternative Back Care Chiropractic – Dr. Andres Galego, D.C."; 4) under no. 9, add "j. Eileen Dudley, LMT, NCTMB, LLC – Eileen Dudley, LMT"; 5) add no. 10, "Petition from Ms. Candice C. Craig, LMT"; and 6) add no. 11, "Discussion Regarding E-Mail Consensus – Dr. O'Hara." Dr. Fedorczyk motioned to accept the amended Agenda; Ms. Hucek seconded, and the motion was unanimously voted.

The March 10th Minutes were approved as drafted. Dr. Sadula motioned to accept the Minutes; Ms. Biagiotti seconded, and the motion was unanimously voted.

Board Orientation with New Chiropractic Licensees

The Board presented an open discussion/interview session for the new chiropractic licensees who appeared today to take their jurisprudence examination. Discussion included various regulatory, disciplinary, and ethical issues relative to practicing in Maryland.

Review of Administrative Staff Issues, Ms. Adrienne Congo, Deputy Director

- Update Regarding Board Member Vacancy: There has been no selection made as of this date; the Board will probably be notified by June.

- Update Regarding Board Investigator (Grade 14) Position: The Board submitted a freeze waiver. Mr. Stephen West, DHMH Personnel Officer, reports there has not been any movement on the request; he will, however, look into it and report back to the Board.

- Update Regarding Rulemaking Project: On April 13th, the Board received verbal confirmation from Ms. Michelle Phinney, DHMH Regulations Coordinator, that the hold on the Regulations has been cleared by the AELR Committee, with the exception of COMAR 10.43, Chapter 16 (Recordkeeping) and Chapter 20 (Continuing Education). These two Chapters are withdrawn from the Project for now, but will be re-considered/studied at a later date. The Board Counsel and the Board Director will meet on this issue; a Subcommittee, chaired by Ms. Biagiotti, will also be formed.

- Update Regarding the 2011-2013 C.A. Biennial Renewal: On February 10, 2011, the Board mailed renewal information to 562 active C.A.s outlining the process of renewing on-line. The following stats are as of April 13th: 1) 437 C.A.s had renewed on-line (fees deposited: $109,850.00); 2) 9 paper renewals received ($2,450 deposited; includes one $200.00 late fee); 3) 3 C.A.s voluntarily non-renewed; 4) 20 C.A.s were identified as tax-delinquent (14 cleared/processed); and 5) 42 C.A.s were audited (32 processed). The deadline for renewing was March 31, 2011; any C.A. who renews in April will have to pay an additional $200.00 late fee ($450.00 total). According to most comments electronically received by the Board, the on-line renewal process proved to be successful—with minimal problems. NOTE: C.A.s who have not renewed by May 1st will be 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 have to pay $750.00 ($250.00 renewal fee, $200.00 late fee, and $300.00 reinstatement fee) and submit current CEUs/CPR card.

- Updates/Additions to the Board's Websites: The Board has made two major changes to its websites: 1) The list of Board-approved chiropractic CEU courses is now posted on-line and will be updated, as appropriate; and 2) The General Agendas and General Minutes from October 2008 through the present are now posted on-line. [NOTE: The Massage Therapy Advisory Committee was officially abolished by the legislature October 1, 2008.] Anyone who wants a copy of any General Agenda/General Minutes prior to October 2008 will have to contact the Board in writing.

Discussion regarding E-Mail Consensus – Dr. O'Hara

Dr. O'Hara discussed the ethical issue of an E-mail previously sent to Board Members regarding the subject of a custodial parent who wants his/her child to be treated by a doctor when the other parent is adamantly against it. The Board held a full discussion, giving examples and opinions of various scenarios. Most Board Members agreed that it comes down to what is in the best interest of the child. Board Counsel discussed that legally a child can be treated—if the doctor does not have prior knowledge of the parents' opposing views regarding treatment.

Petition from Mr. Sergey A. Krupnov, Massage Applicant

Mr. Krupnov petitions the Board to accept the current educational credentials from his medical school in Russia and the unaccredited massage school training he received. The Board motioned to table the petition for further investigation. Dr. Fedorczyk supported the motion; Dr. Kraus seconded, and the motion was unanimously voted.

Petition from Mr. Tom Philip, LMT

Mr. Philip petitions the Board to accept his expired certificate (expiration date, March 21, 2010) for 20 CEUs to be used in renewing his massage license. Mr. Philip stated he was out of the country on vacation and, therefore, could not renew on time. Dr. Fedorczyk made a motion to deny Mr. Philip's petition; Ms. Harrison 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; Ms. Hucek seconded, and the motions were unanimously voted.

1. Chiropractic and Massage Center of Hagerstown, Brenna Bacon Ranieli, D.C. – Brenna Bacon Ranieli, D.C.
2. United Chiropractic & Injury Rehab, LLC – Ryan J. Cappelletti, D.C.
3. Rifkin Chiropractic and Wellness Center – Robert A. Rifkin, D.C. ***(trade name change)***
4. ABC Chiropractic, P.C., Alternative Back Care Chiropractic – Dr. Andres Galego, 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. Biagiotti supported the motions; Ms. Hucek seconded, and the motions were unanimously voted.

1. William Frein, LMT – William Frein, LMT
2. Paula S. Derry, Ph.D., LMT – Paula S. Derry, LMT
3. Advanced Massage Therapy – Ann Devlin-Low, LMT ***(trade name change)***
4. Helping Hands Massage Therapy – Jocelyn Clayton, LMT
5. I am Beautiful Massage – Judith J. Pula, LMT
6. Aaduri Healing Arts, Kim Drechsler, LMT – Kimberly Drechsler, LMT
7. Tasha Kniep, LMT – Tasha Kniep, LMT
8. Therapy-Touch-Terrie Tracy, LMT – Terrie Tracy, LMT
9. Eileen Dudley, LMT, NCTMB, LLC – Eileen Dudley, LMT

The following massage trade name request was **disapproved** by Board motion. Ms. Biagiotti supported the motion; Ms. Hucek seconded, and the motion was unanimously voted.

1. Precisley Natural, RMP – Rachel E. Gerald, RMP ***(Note: RMP purposely misspelled trade name.)***

Petition from Ms. Candice C. Craig, LMT

Ms. Craig petitions the Board to accept her expired CEU certificates submitted in order to reactivate her massage license. The Board motioned to table the petition upon further investigation. Dr. Kraus supported the motion; Ms. Hucek seconded, and the motion was unanimously voted.

Petition from Mr. Arne Georg Oyre, Massage Applicant

Mr. Oyre, who currently has an active PT license, petitions the Board to accept his PT educational background, which includes massage therapy coursework, in lieu of attending a massage therapy program. The Board motioned to table the petition until it receives additional information about the training Mr. Oyre received in Scandinavia. Dr. Fedorczyk supported the motion; Ms. Hucek seconded, and the motion was unanimously voted.

Miscellaneous

1. One of the new applicants who took the jurisprudence examination today reported she did not find the Study Guide posted on the Chiropractic Website very informative. NOTE: There is/has never been a "Study Guide" posted on the website. What is loaded on the site is the Chiropractors "Practice Guide" which provides licensees information on scope of practice and common issues of concern.)

2. The Board will make certain that the official Chiropractic Assistants' (C.A.) Applicant In-Service Training Log is readily accessible on-line to supervising chiropractors who must notify the Board of newly hired C.A. applicants and log in the number of hours that the applicant is in training.

3. Mr. Ford, Board Investigator, presented the Board with two versions (large and small screens) of the Netbook for their review; all members preferred the larger screen version. Netbooks for each Board Member will be stored here at the Board office and will be uploaded monthly, via a thumb drive, with meeting and hearing materials.

4. The next examination for chiropractic assistants is April 19th; 47 applicants are scheduled to take the exam.

5. A supervising chiropractic jurisprudence examination was administered at 10:00 A.M. on April 7, 2011. There were seven (7) applicants; all passed the examination.

6. There will not be a Board Meeting May 12th due to all-day Disciplinary Hearings; refer to the Executive Session for details.

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

Respectfully Submitted:

Michael Fedorczyk, D.C.
Board Secretary/Treasurer