

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
BOARD MEETING

June 9, 2011

GENERAL SESSION AGENDA

1. **Review, approval of Agenda.**
2. **Review, approval of Board Minutes of last meeting (April 14th). *(There was no Board Meeting held in May due to all-day Disciplinary Hearings.)***
3. **Review of Administrative Staff Issues, Mr. J.J. Vallone, Executive Director:**
 - a) Formal introduction of new Massage Board appointee – Mr. David A. Cox, LMT
 - b) Employment of Mr. Marc C. Ware as a paid contractual Expert Consultant/Investigator, and Ms. Michelle Czarnecki as a part-time paid contractual Consultant (legal)
 - c) Update/Status of Proposed Rulemaking Project
 - d) 2011-2013 Chiropractic Renewal: Reminder postcards were sent in early June; a comprehensive renewal letter and instructions to be mailed in early July; on-line site to open in mid-July; MHCC User Fee increased to \$28.00
 - e) Per Diem increase for Board Members – \$100.00 to \$150.00
 - f) CRC, 11:00 A.M., Room 301; Board representative needed
4. **Introduction and Board indoctrination of new Supervising Chiropractors.**
5. **Board Officers' Annual Election – July 1, 2011 to June 30, 2012: President, Vice-President, and Secretary/Treasurer.**
6. **Petition from Mr. Thomas R. Beard, Jr., Massage Therapy Applicant. (NOTE: Mr. Beard will appear before the Board.)**
7. **Petition from Ms. Jun Wen, Massage Therapy Applicant, to accept her non-accredited massage school training.**
8. **Federation of State Massage Therapy Boards (FSMTB) Membership query and update – Ms. Congo.**
9. **Requests for chiropractic trade name approval:**
 - a) *Harmonious Living Chiropractic: Fitness & Wellness Center, L.L.C. – Tiffany T. Butler, D.C.*
 - b) *ABH Chiropractic, P.C.: American Back Health – Andres Galego, D.C. (trade name change)*
 - c) *Abundant Life Chiropractic – Susan Anne Bates, D.C.*

General Agenda
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10. Requests for massage trade name approval:

- a) *Touchwaves Therapeutic Massage* – Jennifer Peppe, LMT
- b) *Transformations Massage & Student Learning Resource* – Gina L. Miller, LMT
- c) *Qi Shanti Massage & Wellness Studio* – Elisa A. Papaloukas, LMT
- d) *And With These Healing Hands...Robin R. Stokes-Smith, LMT* – Robin R. Stokes-Smith, LMT
- e) *AT ONE MASSAGE* – Kimberly Caywood Roberts, LMT
- f) *Massage Patient* – Joselito M. Ocampo, Jr., LMT (*trade name change*)
- g) *Om Chakra Holistic Healing and Massage* – Kenneth R. Cook, LMT
- h) *Unseen Touch Massage Therapy* – Jason LeFevers, RMP
- i) *The Purple Door LLC: A Massage Studio* – Kiley Butler Slagle, LMT
- j) *Linda Lowry, LMT, Massage* – Linda Lowry, LMT
- k) *New Horizons Massage* – Paul E. Saxon, LMT

11. Discussion regarding Board Member Development – Dr. O’Hara.

12. FCLB/NBCE Conference Update – Dr. Chaney.

13. FYI – Miscellaneous correspondence for review/discussion.

BOARD WORKING LUNCH

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
MINUTES – GENERAL SESSION

June 9, 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.
Jonathan C. Nou, D.C.
Duane R. Sadula, D.C.
Karen Biagiotti, LMT
David A. Cox, LMT
Gwenda Harrison, LMT
Mary Anne Frizzera-Hucek, Consumer Member

Member Absent

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
Sharon Bloom, DHMH Liaison
Kristen Neville, Regulations Coordinator
Keith Scott, D.C.
Cher Hunter, M.A., LMT, Dir, MT Prgm, CCBC
Anthony Lane Hinkle, LMT, NCBTMB, MD Brd. Liaison
Juan Nance, Sr., Career Service Mgr., BSOM
Thomas Beard, LMT (*Petitioner*)
Jean Jeffreys, LMT
Paul E. Saxon, LMT
William Haynes, LMT
James Pinkley, LMT
Paula Jilanis, LMT

Dr. Kay O'Hara called the meeting to order at 10:00 A.M.

Review of Agenda and Minutes

The June 9th Agenda was amended as follows: 1) under no. 10, add "k. New Horizons Massage – Paul E. Saxon, LMT"; 2) add no. 11, "Board Member Development – Dr. O'Hara"; and 3) add no. 12, "FCLB/NBCE Conference Update – Dr. Chaney." Ms. Hucek motioned to accept the amended Agenda; Dr. Sadula seconded, and the motion was unanimously voted.

The April 14th Minutes were approved as drafted. Ms. Harrison motioned to accept the Minutes; Dr. Fedorczyk seconded, and the motion was unanimously voted.

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

- Mr. David A. Cox, LMT, was formally welcomed today as the newest massage Board Member. Mr. Cox, who has been State licensed since 1997, taught at the Baltimore School of Massage.
- The Board previously submitted a freeze waiver on the Grade 14 investigative position; the appeal is still under review. Mr. Marc Ware has been hired, in the interim, as a paid contractual Expert Consultant/Investigator. Mr. Ware will report directly to Mr. Ford, and will present the massage cases and testify, when needed.

- Ms. Michelle Czarnecki, a third-year law student at the University of Baltimore Law School, has been hired to work for the Board through the summer months as a part-time paid contractual Consultant (legal). Ms. Czarnecki, who has been working closely with Board Counsel, is primarily responsible for assisting with drafting and processing the Board Orders/cases and legal research.
- Update/Status of Proposed Rulemaking Project 10.43 et seq.: After a lengthy review by the Legislative AELR Committee, the Rulemaking Project was released for promulgation by DHMH and the State of Maryland. The DHMH Secretary signed the final action on May 16, 2011. It is anticipated that the final action will be printed in the June edition of the Maryland Register, with a **June 13, 2011** effective date. The original proposed revisions to Chapter 16 (Recordkeeping) and Chapter 20 (Continuing Education) were withdrawn from the final action and may be revisited at a later date by the Board and the designated Subcommittee. The Board acknowledged that the Subcommittee, chaired by Ms. Karen Biagiotti, worked very hard on this Project. Mr. Cox volunteered to assist the Subcommittee when the Recordkeeping and CEU provisions are reconsidered/studied at a later date. There will be a more detailed summary printed in the upcoming Chiropractic and Massage Therapy Newsletters.
- 2011-2013 Chiropractic Biennial Renewal: Reminder postcards were mailed to all active and inactive chiropractors in early June. A comprehensive letter and instructions will be mailed in early July. The on-line site is scheduled to open July 15th. The Maryland Healthcare Commission (MHCC) user fee, applied to active licensees, has increased from \$26.00 to \$28.00.
- Commencing July 1, 2011, Board Members' per diems will increase from \$100.00 to \$150.00.
- A CRC is scheduled today at 11:00 A.M., Room 301; Ms. Biagiotti will attend. Refer to the Executive Session Agenda for details.

Board Introduction/Indoctrination of Supervising Chiropractors

The Board presented an open discussion for the two new Supervising Chiropractors, Sharon Dongarra, D.C., and Maria Yiassemides, D.C. Discussion included various regulatory issues relative to supervising chiropractic assistants. NOTE: The two chiropractors were given an amended test to make sure the examination corresponds with the new Regulations.

Petition from Mr. Thomas R. Beard, Jr., Massage Therapy Applicant

Mr. Beard appeared before the Board today to petition for a review of all his educational and training documentation, in allowing him to qualify for State licensure. Mr. Beard, who has a B.S. from the Winston-Salem State University, also attended and completed the U.S. Career Institute, a massage therapy correspondence course. According to COMAR, Chapter 17 (General Regulation for Massage Therapy), correspondence courses (distance learning) are not recognized by the Board. Mr. Beard, who currently attends the Community College of Baltimore County (CCBC), hopes to graduate in December 2011; he missed the opportunity to finish his courses in December 2010 due to his traveling as an opera singer. Upon discussion and thorough review of all documentation presented, the Board advised Mr. Beard to continue his courses at CCBC and, once finished, he may re-apply for State licensure.

Board Officers' Annual Election – July 1, 2011 to June 30, 2012

Ballots for Board President, Vice-President, and Secretary/Treasurer were distributed and tallied. The Board appointed the following nominees for the 2011-2012 term: 1) Dr. Stephanie Chaney is elected as Board President; 2) Dr. Michael Fedorczyk is elected as Board Vice-President; and 3) Dr. Jonathan Nou is elected as Board Secretary/Treasurer. The Board acknowledged the excellent work of Dr. O'Hara over the past two years; she steps down as the first female elected as a Maryland Board President.

Petition from Ms. Jun Wen, Massage Therapy Applicant

Ms. Wen petitioned the Board to accept her non-accredited massage school training from the Acupuncture and Massage Institute of America, Hacienda Heights, CA. The Board motioned to table the petition for further investigation. Dr. Kraus supported the motion; Dr. Sadula seconded, and the motion was unanimously voted.

Federation of State Massage Therapy Boards (FSMTB) Membership – Ms. Congo

In June 2010, the Board enrolled for one free year in the FSMTB. Thereafter, the Board will be charged an annual fee based on the current number of licensees. Ms. Harrison discussed the highlights of an FSMTB meeting she attended with representatives from several other states; she agrees this is a worthwhile organization for Maryland to support. Ms. Debra Persinger, Executive Director, FSMTB, is scheduled to appear before the Board at the July 14th meeting to discuss FSMTB and the Massage & Bodywork Licensing Examination (MBLEx). The Board motioned to defer voting on whether to continue membership until next month's meeting. Ms. Biagiotti supported the motion; Dr. Fedorczyk seconded, and the motion was unanimously voted.

Requests for Approval of Massage Trade Names

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

1. *Touchwaves Therapeutic Massage* – Jennifer Peppe, LMT
2. *Qi Shanti Massage & Wellness Studio* – Elisa A. Papaloukas, LMT
3. *And With These Healing Hands...Robin R. Stokes-Smith, LMT* – Robin R. Stokes-Smith, LMT
4. *AT ONE MASSAGE* – Kimberly Caywood Roberts, LMT
5. *Om Chakra Holistic Healing and Massage* – Kenneth R. Cook, LMT
6. *Unseen Touch Massage Therapy* – Jason LeFevers, RMP
7. *The Purple Door LLC: A Massage Studio* – Kiley Butler Slagle, LMT
8. *Linda Lowry, LMT, Massage* – Linda Lowry, LMT
9. *New Horizons Massage* – Paul E. Saxon, LMT

The following massage trade name requests were individually **disapproved** by Board motions. Ms. Harrison supported the motions; Mr. Cox seconded, and the motions were unanimously voted.

1. *Transformations Massage & Student Learning Resource* – Gina L. Miller, LMT
2. *Massage Patient* – Joselito M. Ocampo, Jr., LMT

Requests for Approval of Chiropractic Trade Names

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

1. *Harmonious Living Chiropractic: Fitness & Wellness Center, L.L.C.* – Tiffany T. Butler, D.C.
2. *ABH Chiropractic, P.C.: American Back Health* – Andres Galego, D.C.
3. *Abundant Life Chiropractic* – Susan Anne Bates, D.C.

Board Member Development – Dr. O’Hara

Dr. O’Hara discussed the need to continue to develop Board Members’ skills, knowledge, etc. One option is to have the AG’s Office design a program that could be presented quarterly, to discuss administrative hearings, evidence, procedures; the Board could also view videos, tutorials, etc. Board meetings could be held in the morning and classes/programs presented in the afternoon. Mr. Vallone and Board Counsel will work with the AG’s Office regarding this. Dr. O’Hara emphasized that the Board is comprised of a high caliber of professionals and this is one-way of maintaining that level of professionalism.

FCLB/NBCE Conference Update – Dr. Chaney

Dr. O’Hara and Dr. Chaney represented the Board as Voting Delegate and Alternate, respectively, at the National Board of Chiropractic Examiners (NBCE) and the Federation of Chiropractic and Licensing Boards (FCLB) Annual Meeting, held May 6, 2011. Dr. Chaney gave an overview of the various topics discussed at the conference.

Miscellaneous

1. There was no Board Meeting held May 12th due to all-day Disciplinary Hearings; refer to the Executive Session for details.
2. The Board acknowledged the retirement (March 31, 2011) of one of the profession’s most esteemed chiropractors, Charles N. Cooper, D.C., who has been in active practice nearly 60 years.

Upon motion by Ms. Harrison, seconded by Dr. Fedorczyk, the Board unanimously voted to adjourn the General Session at 11:20 A.M.

Respectfully Submitted:



Michael Fedorczyk, D.C.
Board Secretary/Treasurer