

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
BOARD MEETING

November 12, 2009

GENERAL SESSION AGENDA

1. **Review, approval of Agenda.**
2. **Review, approval of Board Minutes of last meeting (October 8th).**
3. **Review of Administrative Staff Issues, Mr. J.J. Vallone, Executive Director:**
 - a) Update regarding the Legislative Sunset Review
 - b) Budget issues and update regarding State furloughs/pay reduction days
 - c) Reduction of Board jurisprudence examination fees (C.A.s and massage therapists)
 - d) Update on C.A. examination draft/revised questions
 - e) Update/Scheduling of Regulations Review Subcommittee Meeting (Members: J. Vallone, G. Gerber, D. Ford, S. Chaney, D. Sadula, and K. Biagiotti)
 - f) Update regarding filling of Chiropractor Board Member vacancy
 - g) Update regarding Board Massage Compliance Seminar held on 10/22/09
 - h) Update regarding the vacant Deputy Director position
4. **Request for trade name approval:**
 - a) *Avalon Chiropractic & Rehabilitation* – William S. O’Loughlin (*trade name change*)
 - b) *Maryland Chiropractic* – David Kaminsky, D.C. (*trade name change*)
5. **Inquiry from Charles N. Cooper, D.C., regarding whether chiropractors can legally utilize homeopathic remedies/supplements.**
6. **FYI – Miscellaneous correspondence for review/discussion.**

BOARD WORKING LUNCH

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
MINUTES – GENERAL SESSION

November 12, 2009

Members Present

Kay B. O'Hara, D.C., Board President
Stephanie J. Chaney, D.C., Board Vice-President
Mary Anne Frizzera-Hucek, Consumer, Board Secretary/Treasurer
Issie L. Shelton Jenkins, Consumer
Daniel J. Kraus, D.C.
Jonathan C. Nou, D.C.
Duane R. Sadula, D.C.
Clyde Anderson, LMT
Karen Biagiotti, LMT
Gwenda Harrison, LMT

Non-Members Present

J.J. Vallone, Executive Director
Grant D. Gerber, Esq., Board Counsel
David Ford, Senior Board Investigator
Marc C. Ware, Board Investigator
Maria Ware, Office Manager/Supervisor
Danielle Gonnelli, Compliance Analyst
The Hon. Senator Paula Hollinger
Sharon Bloom, DHMH Liaison
Barbara J. Davenport, LMT, AMTA, MD Chapter

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

Review of Agenda and Minutes

The November 12th Agenda was amended as follows: 1) under no. 3, add "h. Update Regarding the Vacant Deputy Director Position"; and 2) delete no. 6 and add to the Executive Session. Dr. Sadula motioned to accept the amended Agenda; Dr. Chaney seconded, and the motion was unanimously voted.

The October 8th Minutes were approved as drafted. Ms. Harrison motioned to accept the Minutes; Dr. Sadula seconded, and the motion was unanimously voted.

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

- Update Regarding the Legislative Sunset Review: The Board has complied with all data/information requested by Ms. Amy Devadas, MLS Analyst for the Legislative Sunset Review. Ms. Devadas will contact the ACA (American Chiropractic Association) and the FCLB (Federation of Chiropractic Licensing Boards) for additional information regarding chiropractic issues.
- Mr. Vallone gave an overview of general budget issues and discussed mandatory State administrative leave and furlough days. All non-24/7 State employees earning \$40,000 or more will have to take 5 salary reduction days; employees earning \$39,999 or less will have to take 3 days (using annual/personal/comp leave for the remaining 2 days). State employees who earn \$40,000 or more annually must also take 3-5 furlough days (number of days based on earnings).

- Reduction of Board Jurisprudence Examination Fees for C.A.s and Massage Therapists: The Board reviews fees semi-annually and adjusts them in line with revenue and expenditures. In October 2009, C.A. examination fees were reduced from \$300 to \$100. Commencing with the January 25, 2010 massage examination, the fee is reduced from \$200 to \$100; this reduction is not retroactive and applies only to applications submitted for examinations conducted after January 1, 2010. These reduced fees may be re-adjusted, as needed, depending upon future budget and the size of the licensee database. All other fees remain unchanged.
- Mr. Vallone discussed the importance of reviewing, amending and returning the C.A. examination draft questions; final revisions are needed as soon as possible. The Board intends to submit a compendium of 500-700 examination questions to the C.A. instructors.
- Scheduling of the Regulations Review Subcommittee Meeting: Subcommittee Members, J. Vallone, G. Gerber, D. Ford, S. Chaney, D. Sadula, and K. Biagiotti are scheduled to meet at DHMH on December 17th, 10:00 A.M.
- As of this date, the Board has not heard from the Governor's Office regarding the selection of a candidate to fill the Board Member vacancy.
- Update Regarding the Vacant Deputy Director Position: The Board received a list from the Division of Personnel of the 30 'best qualified' applicants who applied for the Deputy Director (Administrative Officer III) position. A panel consisting of Mr. Vallone, Mr. D. Ford, and Ms. M. Ware will conduct interviews the first week of December and narrow the list to the top 5 or 6; these individuals will be notified of a second interview.
- Update regarding the Board's Massage Compliance/Mall Enforcement Seminar: The Board conducted a seminar on October 22, 2009, 10:00 A.M., inviting mall management representatives, leasing agents, practice owners, educators, and law enforcement officers. Hands-on demonstrations were conducted by LMTs to show the scope of a valid licensed massage. Seminar attendees included one detective, the Chief of Staff from Senator K.A. Klausmeier's office, Executive Directors from other DHMH Boards, and representatives from AMTA and Anne Arundel College. There was no representation from any of the malls, even though several responded.
- The Board expressed sympathy on the recent death of Robert Todd Winebrenner, D.C., (initially licensed in 1993).

Request for Trade Name Change – David Kaminsky, D.C.

Dr. Kaminsky requests Board approval to change his trade name to "Maryland Chiropractic" (formerly: *Maryland Chiropractic & Rehabilitation*). Dr. Chaney made a motion to approve the trade name change; Ms. Hucek seconded, and the motion was unanimously voted.

Request for Trade Name Change – William S. O’Loughlin, D.C.

Dr. O’Loughlin requests Board approval to change his trade name to “Avalon Chiropractic & Rehabilitation” (formerly: *BodyTech Rehab & Longevity, Dolores Zumbado, D.C.*). Dr. Chaney made a motion to approve the trade name change; Ms. Harrison seconded, and the motion was unanimously voted.

Inquiry from Charles N. Cooper, D.C.

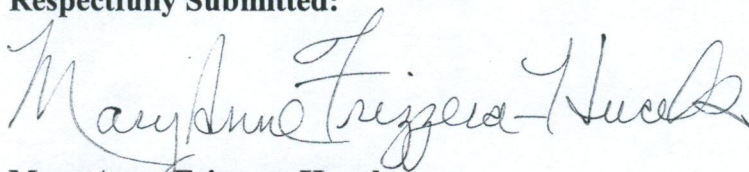
Dr. Cooper inquires as to whether chiropractors can legally utilize homeopathic remedies and supplements. The Board determined that this modality is under the regulation governing diet and hygiene and, therefore, within the chiropractors’ scope of practice.

Discussion of Public Posting of Board Disciplinary Orders

The Board discussed the pros and cons of publicly posting Disciplinary Orders. At issue was once a Consent Order is executed and becomes a public document, should there be a set period of time it remains public, should it stay public indefinitely, or should the Order be expunged.

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

Respectfully Submitted:



**Mary Anne Frizzera-Hucek
Board Secretary/Treasurer**