

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
BOARD MEETING

January 12, 2012

GENERAL SESSION AGENDA

1. **Review, approval of Agenda.**
2. **Review, approval of Board Minutes of last meeting (December 8, 2011).**
3. **Review of Administrative Staff Issues, Mr. J.J. Vallone, Executive Director:**
 - a) Budget Update
 - b) Upcoming Training: Mr. David Ford – attend ACFE (January 21-22, 2012); Dr. Chaney and Dr. Fedorczyk – attend FCLB and NBCE in San Antonio, TX (May 2012)
4. **Review/Vote on Ms. Amber Davis' (C.A. trainee) petition for reinstatement in the C.A. Training Program.**
5. **Disciplinary Review Committee Charter and Appointment of Members for a six-month period.**
6. **Requests for chiropractic trade name approval:**
 - a) Samuels Chiropractic – Sean A. Samuels, D.C.
 - b) Mid-Atlantic Spinal Rehab and Chiropractic – Marc G. Gulitz, D.C.
 - c) Absolute Chiropractic Care, LLC – Katherine A. Poe, D.C. (*trade name change*)
7. **Requests for massage trade name approval:**
 - a) *I Kneaded That Massage* – Dana Smulian, RMP
 - b) *Eastport Bodyworks Massage Therapy* – Judith A. Acosta, LMT
 - c) *Gina Carlucci, LMT, CMT, OMT* – Gina L. Carlucci, LMT, CMT, OMT (***mobile***)
 - d) *smart massage now* – Alice W. Conover, LMT
 - e) *A.ZORA THERAPEUTIC MASSAGE Sanctuary of Holistic Wellness & Healing Arts* – Zoraida Alvarez, LMT – Zoraida D. Alvarez, LMT
 - f) *Touched by Autumn Massage Therapy* by Adrienne Williams, RMP – Adrienne L. Williams, RMP
 - g) *Virtuous Wellness Center* (Amy L. Owens, LMT) – Amy Lynn Owens, LMT
 - h) *Heal Relax Restore with Suzanne Stamp*, LMT – Suzanne Stamp, LMT
 - i) *MASSAGE BY DAVID COX*, David A. Cox, LMT – David Allen Cox, LMT
8. **Issue Regarding Practice Purchase and Utilizing Trade Name – Dr. Fedorczyk.**
9. **Preceptor Petition – Brian Paris, D.C.**
10. **FYI – Miscellaneous correspondence for review/discussion.**

BOARD WORKING LUNCH

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
MINUTES – GENERAL SESSION

January 12, 2012

Members Present

Stephanie J. Chaney, D.C., Board President
Michael Fedorczyk, D.C., Board Vice-President
Kay B. O’Hara, D.C.
Duane R. Sadula, D.C.
Karen Biagiotti, LMT
David A. Cox, LMT
Gwenda Harrison, LMT
Mary Anne Frizzera-Hucek, Consumer Member
Ernestine Jones Jolivet, Consumer Member

Member Absent

Jonathan C. Nou, D.C., Board Secretary/Treasurer

Non-Members Present

J.J. Vallone, Executive Director
Grant D. Gerber, Esq., Board Counsel
Maria Ware, Office Manager
David Ford, Senior Board Investigator
Christopher Bieling, Board Investigator
The Hon. Senator Paula Hollinger
Jeannie Schwartz, BSOM Campus Dir., *(Presenter)*
Elizabeth Hepler, BSOM, Steiner Group *(Presenter)*
Michele Kilcer, BSOM, AMTA
Edward Mason, BSOM
Anthony Lane Hinkle, LMT, NCBTMB, MD Brd. Liaison
Colleen Reinhen, LMT, AMTA
Marcia Ferry, LMT, AMTA
Dana L. Smulian, LMT
Keith Scott, D.C.

Dr. Stephanie Chaney called the meeting to order at 10:00 A.M.

Review of Agenda and Minutes

The January 12th Agenda was amended as follows: 1) under no. 6, add “b. Mid-Atlantic Spinal Rehab and Chiropractic – Marc G. Gulitz, D.C.”; and add “c. Absolute Chiropractic Care, LLC – Katherine A. Poe, D.C.”; 2) under no. 7, add “f. Touched by Autumn Massage Therapy by Adrienne Williams, RMP – Adrienne L. Williams, RMP”; add “g. Virtuous Wellness Center (Amy L. Owens, LMT) – Amy Lynn Owens, LMT”; add “h. Heal Relax Restore with Suzanne Stamp, LMT – Suzanne Stamp, LMT”; and add “i. MASSAGE BY DAVID COX, David A. Cox, LMT – David Allen Cox, LMT”; 3) renumber and add no. 8, “Issue Regarding Practice Purchase and Utilizing Trade Name – Dr. Fedorczyk”; and 4) add no. 9, “Preceptor Petition – Brian Paris, D.C.” Ms. Hucek motioned to accept the amended Agenda; Ms. Jolivet seconded, and the motion was unanimously voted.

The December 8, 2011 Minutes were approved as drafted. Dr. Sadula motioned to accept the Minutes; Dr. O’Hara seconded, and the motion was unanimously voted.

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

- Budget Update and Upcoming Training: The Board is on track in terms of income and expenditures. Mr. David Ford will attend the ACFE Conference; paid by Board funds. Dr. Chaney and Dr. Fedorczyk will attend the FCLB and NBCE Conferences scheduled for May 2012 in San Antonio, TX.

- The Board Office has two staff members on medical leave for the next couple of weeks. Remaining staff will pitch in, as necessary.
- Ms. Michelle Czarnecki is back in law school full time and will work (at her current contract fee) 1½ days per week, assisting Board Counsel with legal matters and assisting the Chiropractic Board Office, as needed. Ms. Czarnecki graduates the spring of 2012.

Petition from Ms. Amber Davis, C.A. Trainee

Ms. Davis petitions the Board to allow her to reinstate in the Chiropractic Assistant (C.A.) Training Program. Ms. Davis had previously been granted a one-year extension to complete her C.A. training while working in the office of Dr. Eric Huntington and Dr. Lauren Cohen (Living Wellness Chiropractic). Ms. Davis was terminated from the employ of Dr. Huntington and Dr. Cohen (due to interactions with another employee) before she could complete her training and take the State C.A. examination. The next available course for which Ms. Davis could have enrolled began after her termination—which did not allow her to begin the 2010 C.A. classes. Dr. Huntington and Dr. Cohen re-hired Ms. Davis as a receptionist, over a year ago, and consider her an asset to the C.A. profession; they support her reinstatement request. Ms. Davis has completed her 40 hours of observation and her 480 hours of in-service training. The Board motioned to approve Ms. Davis’ petition for reinstatement into the C.A. Training Program. Dr. O’Hara supported the motion; Ms. Hucek seconded, and the motion was unanimously voted.

Appointment of Board Disciplinary Review Committee

A Board Disciplinary Committee reviews all incoming complaints, conducts a preliminary review for jurisdiction and efficacy, and determines initial routing disposition of every complaint. The following guidelines will commence in effect on January 1, 2012: 1) The Committee will consist of one active chiropractor, one licensed massage therapist, one consumer member, and the Executive Director (Board Counsel will serve as legal advisor); 2) Members will be appointed by the Board President for six-month rotating terms; 3) When complaints are received, the Executive Director will assign an identifying designator that is not the official case number; 4) The Executive Director will conduct an initial administrative/jurisdictional review to determine the legibility jurisdictional efficacy of the complaint; 5) The Executive Director may return the complaint to complainant to resolve legibility or ambiguity issues and may seek legal advice; 6) If no such issues exist, the complaint is forwarded, via E-mail, to the Committee with a short summary/recommendation. Identity of the complaint subject will not be disclosed at any time; 7) The Committee will vote to: a) forward the case for investigation; b) dismiss the case for lack of jurisdiction, clarity, and factual basis; or c) vote to table the case for further review. The majority vote will rule. In the event of a tie, the case will be assigned for investigation to protect public interests; 8) The Committee will endeavor to submit their vote within 72 hours of receiving the initial E-mail from the Executive Director; and 9) If forwarded for investigation, the Senior Investigator will assign a formal accession case number and commence investigation proceedings. The Board President, Dr. Chaney, appointed Dr. Kay O’Hara, Ms. Gwenda Harrison, (Licensed Massage Therapist), and Ms. Mary Anne Frizzera-Hucek (Consumer Member) to serve for a six-month term (January – June 2012).

Issue Regarding Practice Purchase and Utilizing Trade Name – Dr. Fedorczyk

Dr. Fedorczyk presented the issue of whether or not a chiropractor can continue utilizing the same trade name once he/she has purchased a practice from another chiropractor. Also, should a retired chiropractor's name continue to be part of signage, advertising, etc? This issue is deferred to the Board Counsel for legal review/advice.

Preceptor Petition – Brian Paris, D.C

Dr. Paris submitted a Preceptor Application to allow him to participate in the Externship Program. Dr. Fedorczyk and Mr. David Ford will conduct a comprehensive review of Dr. Paris' office/staff and report their findings back to the Board.

Requests for Approval of Chiropractic Trade Names

The following chiropractic trade name requests were individually **approved** by Board motions. Dr. O'Hara supported the motions; Dr. Fedorczyk seconded, and the motions were unanimously voted.

1. Samuels Chiropractic – Sean A. Samuels, D.C.
2. Mid-Atlantic Spinal Rehab and Chiropractic – Marc G. Gultz, D.C.
3. Absolute Chiropractic Care, LLC – Katherine A. Poe, 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. Harrison seconded, and the motions were unanimously voted.

1. I Kneaded That Massage – Dana Smulian, RMP
2. Eastport Bodyworks Massage Therapy – Judith A. Acosta, LMT
3. smart massage now – Alice W. Conover, LMT
4. A.ZORA THERAPEUTIC MASSAGE Sanctuary of Holistic Wellness & Healing Arts – Zoraida Alvarez, LMT – Zoraida D. Alvarez, LMT
5. Touched by Autumn Massage Therapy by Adrienne Williams, RMP – Adrienne L. Williams, RMP
6. Heal Relax Restore with Suzanne Stamp, LMT – Suzanne Stamp, LMT
7. MASSAGE BY DAVID COX, David A. Cox, LMT – David Allen Cox, LMT (*NOTE: Mr. Cox recused himself from the Board Meeting before the discussion began.*)

The following two massage trade name requests have **limited approval**. The Board opined that there may be confusion in regards to the way the names are currently presented. The Executive Director will suggest possible amendments which the LMTs can either utilize or select an alternative name of their choosing. Ms. Biagiotti supported the motions; Ms. Harrison seconded, and the motions were unanimously voted.

1. Gina Carlucci, LMT, CMT, OMT – Gina L. Carlucci, LMT, CMT, OMT (**mobile**)
2. Virtuous Wellness Center (Amy L. Owens, LMT) – Amy Lynn Owens, LMT

Miscellaneous

1. A Disciplinary Hearing is scheduled today at 1:00 P.M. Refer to the Executive Session for details.

Upon motion by O'Hara, seconded by Dr. Sadula, the Board unanimously voted to adjourn the General Session at 10:45 A.M.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'Jonathan C. Nou', with a long horizontal flourish extending to the right.

Jonathan C. Nou, D.C.
Board Secretary/Treasurer