

AGENDA

CONNECTICUT STATE BOARD OF CHIROPRACTIC EXAMINERS

Thursday, August 19, 2010, at 9:00 A.M.

Department of Public Health
Conference Room E- Second Floor

CALL TO ORDER

I. **MINUTES**

Review of the minutes from June 10, 2010.

II. **DEPARTMENT OF PUBLIC HEALTH UPDATES**

Licensure Update

Jennifer Filippone, Section Chief, Department of Public Health

Investigations Update

Gary Griffin, Investigations Supervisor

III. **OLD BUSINESS**

Continuing Education regulations

IV. **LEGAL OFFICE BUSINESS**

V. **ADDITIONAL AGENDA ITEMS**

ADJOURN

The following minutes are draft minutes which are subject to revision and which have not yet been adopted by the Board.

The **Connecticut State Board of Chiropractic Examiners** held a meeting on June 10, 2010 at the Department of Public Health, 410 Capitol Avenue, second floor Conference Room F, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Matthew Scott, DC – Chairman
Faraneh Carnegie-Hargreaves – Public Member
Michele Imossi, DC
Paul Powers, DC
Sean Robotham, DC
Jean Rexford – Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Daniel Shapiro, Assistant Attorney General

Dr. Scott called the meeting to order at 1:05 p.m.

I. MINUTES

Amendments to the minutes included adding Ms. Rexford to the Board Members Present listing, adding the vote for the minutes and changing the submission signature from Dr. Scott to Dr. Powers. Dr. Powers made a motion, seconded by Ms. Rexford to approve the minutes from the January 19, 2010 meeting. The motion carried 6 – 0.

Dr. Scott welcomed the newest public member, Faraneh Carnegie-Hargreaves to the Board.

II. DEPARTMENT OF PUBLIC HEALTH UPDATES

A. Licensure Update

Jennifer Filippone, Section Chief Office of Practitioner Licensing and Investigation reported on updates from the legislative session. Public Act 10-117, section 5 is reported that if a Doctor retires or is deceased, a patient has a right to a full copy of their records at no cost. Section 12 of that same act clarifies that the Chiropractic Board has the authority to take action against a license holder who does not meet their CE requirements. Section 13 of the same Act allows for licensure by endorsement.

Dr. Powers made the following motion: For Jennifer Filippone to draft a regulatory change that would allow the Board to direct license holders to take a certain number (to be determined) of continuing education hours in specific topics. The Board would update such a list every two years. The motions was seconded by Dr. Imossi and passed unanimously.

B. Investigations Update

Gary Griffin, Department of Public Health, Practitioner Investigations Unit reported that there are 8 chiropractic cases currently under investigation by the Department of Public Health. In addition, 6 cases have been referred to the Department's Legal Office for further review. Mr. Griffin did not note any specific trends in complaints.

III. LEGAL OFFICE BUSINESS

A. Stacey Raya, D.C. - Petition No. 2008-0729-007-007

David Tilles, Staff Attorney, Legal Office, Department of Public Health presented a Consent Order in the matter of Stacey Raya, D.C. Attorney Peter Evans was present on behalf of Dr. Raya. Dr. Powers made a motion, seconded by Dr. Imossi to approve the Consent Order. The motion passed unanimously. Dr. Scott signed the Order

B. Steven Thiele, DC - Petition No. 2008-0314-007-003

David Tilles, Staff Attorney, Legal Office, Department of Public Health presented a Consent Order in the matter of Steven Thiele, DC. Attorney Richard Tynan was present on behalf of Dr. Thiele. Dr. Powers made a motion, seconded by Ms. Rexford, to deny the Consent Order. The motion passed unanimously. The Board recommended that a consent order for this case should include 12 hours of continuing education in clinical documentation (of which, any hours in this topic taken in 2010 would apply) and include a 6 month clinical monitor of medical records.

IV. OLD BUSINESS

Declaratory Ruling – “Informed Consent”

Assistant Attorney General Daniel Shapiro was present to provide counsel to the Board. The Board reviewed the draft decision in this matter.

All voting was done by Board members present except for Faraneh Carnegie-Hargreaves – Public Member, as she did not take part in this Declaratory Ruling Proceeding.

Dr. Powers made a motion to changes all instances of “Chiropractic Adjustment” and “Chiropractic Therapy” to “joint mobilization, manipulation or adjustment of the cervical spine” to be consistent with the declaratory ruling question/language. Seconded by Dr. Robotham and passed unanimously.

A correction in spelling was noted by Dr. Imossi on the first page near the top of the document, where CERVIAL was corrected to CERVICAL

Dr. Powers made a motion to modify Finding of Fact #1 to add the language “and provide post treatment instructions”. Seconded by Dr. Robotham. Motion carried 4 – 1 with Ms. Rexford voting against the amendment.

Dr. Powers made a motion to modify Finding of Fact #3 to change the first line to read “The evidence is sufficient to establish that a stroke or cervical artery dissection is not a....(remainder of fact unchanged). Second by Dr Robotham. Motion carried 4 – 0 with Ms.Rexford abstaining from voting.

Dr. Powers made a motion to modify Finding of Fact #5 to read “Chiropractors are required by the standard of care to perform a history and physical examination and if determined that a patient is having a stroke or cervical arterial dissection, refrain from providing care and refer the patient for medical diagnosis and treatment”. Seconded by Dr. Robotham. Motion carried unanimously.

Dr. Powers made a motion to modify the second paragraph under Discussion and Conclusions of Law to read “After a careful and thorough review of all of the testimony and documentary evidence admitted at the hearing, the Board concludes that there is sufficient evidence to establish that a stroke or a cervical arterial dissection is not a risk or side effect of a joint mobilization, manipulation or adjustment of the cervical spine”. Seconded by Dr. Robotham. Vote carried 4 – 0 with Ms. Rexford abstaining from voting.

Dr. Powers made a motion to modify the fourth paragraph under Discussion and Conclusions of Law to read “109,020,875 person years”. Seconded by Dr. Robotham. Motion carried unanimously.

Dr. Imossi made a motion to modify the 6th paragraph under Discussion and Conclusions of Law to read “In contrast to Dr. Cassidy, Dr. Murray S. Katz, failed to adequately scientifically analyze any of the studies upon which he relied upon in support of his position, nor was he able to articulate any insights into the studies. The methodologies utilized in the studies produced by Dr. Katz were less transparent, and not scientifically based when compared to the *Cassidy* study. Tr. 1/22/10 pp. 221-232. The Board finds that the testimony of Dr. Katz is not credible.” Seconded by Dr. Robotham. Motion carried unanimously.

Dr. Powers made a motion to modify the 8th paragraph under Discussion and Conclusions of Law to read” Without diminishing the compelling and heartfelt testimony of persons who had suffered a stroke and their loved ones, the Board finds that although the evidence is insufficient to establish that a stroke or cervical arterial dissection is a side effect or risk of joint mobilization, manipulation or adjustment of the cervical spine, the evidence *is* sufficient to establish that spinal manipulation on persons who are having an acute stroke or cervical arterial dissection is *not* within the standard of care.” Seconded by Dr. Robotham. Motion carried unanimously.

Dr. Powers made a motion to approve the Declaratory Ruling Memorandum of Decision as amended. Seconded by Dr. Robotham. Motion carried 4 -1 with Ms. Rexford in opposition.

Dr. Powers made a motion for Dr. Scott to sign the signature page for the MOD which will be attached to the amended MOD which will then be released within 24 hours. Seconded by Dr. Robotham. Motion carried unanimously.

V. **ADJOURNMENT**

The meeting was adjourned at 3:00 p.m.

Respectfully submitted
Paul Powers, DC – Secretary
Connecticut State Board of Chiropractic Examiners