

State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

DIVISION OF HEALTH PROFESSIONS

Board of Chiropractic Examiners

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BOARD OF CHIROPRACTIC EXAMINERS SEPTEMBER 3, 2020, PUBLIC SESSION

The regularly scheduled meeting of the Board of Chiropractic Examiners was held via ZOOM on September 3, 2020, beginning at 8:44 a.m., with the following members present:

Dr. Denise Pickowicz
Dr. David Lundgren
Dr. William Reddy
Dr. Tamara Lovelace
Mr. Lawrence Patten

Staff also present:

Ashley Czechowicz, Board Administrator
Attorney Thomas Broderick, OPLC Rules Attorney

- I. Meeting Minutes. Review of August 6, 2020, meeting minutes. Upon a motion by DL, with a second by DP, the Board voted unanimously via roll call vote to approve the minutes as amended.
- II. Public Hearing: N/A
- III. New Business:
 - a. Members of the Board nominated members to fill the vacant Board Chair position. Additional discussion took place regarding the order of actions. The Board votes are as follows:

Dr. Lundgren nominated Dr. Lovelace for Board Chair, this action was seconded by Dr. Pickowicz. **All in favor:** DL, DP, TL, and LP; **Opposed:** WR ~Motion Carries

Mr. Patten nominated Dr. Reddy for Board chair, this action was seconded by Dr. Reddy. **All in favor:** LP, and WR; **Opposed:** DL, TL, DP ~Motion Failed

TL previously held the Board Secretary position, this position would need to be backfilled. Upon a motion by DL, with a second by LP, the Board voted unanimously via roll call vote to approve DP as Board Secretary.

- b. Attorney Broderick joined the meeting to discuss the rules change, regarding Ch 200 and Ch 404.01. The Board reviewed the response from JLCAR relating to Ch 214.02 (c) which would change the rule to match the statute. Upon a motion by DL, with a second by DP, the Board voted unanimously via roll call vote to approve the initial proposal as a draft, and to send Attorney Broderick's response letter to JLCAR.
- c. The Board reviewed an email received from the National Board of Chiropractic Examiners regarding the delay in scheduled written exams due to COVID-19, or Part IV practical exam specifically. The applicants scheduled to take the exam in March and April 2020 were rescheduled to July and August 2020. The Board directed questions to Attorney Broderick as to how it affects the Board in relation to Exhibit N to Emergency Order #29. Attorney Broderick to follow up with the Board at the next meeting with further clarification.
- d. Review of an email received regarding the US Court of Appeals for the Ninth Circuit, NUHS v. CCE – this email was informational only, no Board action required.
- e. NBCE Exam Nomination. The Board discussed the email information received regarding a Board member being invited to represent the New Hampshire Board of Chiropractic Examiners at NBCE's Part IV Practical Examination administration. TL noted that previous Board chair, Dr. Keith Zimmermann, may have already registered to participate in this event. If the Board is able to send past members, TL suggested that AC send the information to Dr. Zimmermann, and Dr. Lanzara-Bazzani, as current members are unable to attend.

IV. Applications:

Board members discussed the applications presented.

- a. **Finley, Diana** – Upon a motion by WR, with a second by LP, the Board voted unanimously via roll call vote to approve the application for Diana Finley.
- b. **Henderson-Ronchetti, Ava** – Upon a motion by DP, with a second by WR, the Board voted unanimously via roll call vote to approve the application for Ava Henderson-Ronchetti.
- c. **Melander, Michael** – Upon a motion by WR, with a second by LP, the Board voted unanimously via roll call vote to approve the application for Michael Melander.

V. Continuing Education/Questions: N/A

VI. Non-Public Session:

Motion to commence Non-Public Session:

At 9:52 a.m., on a motion from LP, seconded by DL, the Board voted to conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3 II (e), RSA 91-A:5, IV, RSA 329:18, I, RSA 329:18-a, IV, RSA 329:29, *Lodge v. Knowlton*, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges. Roll call vote:

Non-Public Session:

[Minutes kept separately]

Public session resumed at 10:17 a.m.

Motion to keep minutes of non-public session confidential:

At 10:17 a.m., upon a motion by LP, with a second by DP, the Board voted to withhold and seal the minutes of the preceding non-public session from public disclosure pursuant to RSA 91-A: 3 III, that divulgence of the information likely would affect adversely the reputation of a person other than a Board member and to render the proposed action ineffective.

TL discussed the need to streamline the investigation and discipline process, as a follow up from August's meeting and update. Further, the need to accrue a lengthier list of DCs willing to be independent monitors. TL asked AC to review the archive files to attempt to find a job description for these positions.

Next meeting: Thursday, October 1, 2020 at 8:30 a.m.

Meeting Adjourned at: 10:21 a.m.