

VERMONT SECRETARY OF STATE  
OFFICE OF PROFESSIONAL REGULATION  
89 MAIN STREET, MONTPELIER, VT  
VERMONT BOARD OF CHIROPRACTIC

UNAPPROVED MINUTES OF  
NOVEMBER 5, 2013 MEETING

Present: Vernon Temple, D.C., Charles Foster, D.C., and Daniel Coane; Absent: Palmer Peet, D.C.; OPR Staff Present: Larry Novins, Peter Comart, Christopher Winters and Diane Lafaille.

1. The meeting was called to order at 1:34 p.m.
2. The minutes of the September 3, 2013 meeting were approved as written.
3. Case Managers Report – This was tabled.
4. Other
  - a. The Board discussed the possibility of putting on a continuing education seminar at future meetings. It was determined that the Board will not put on a continuing education seminar.
  - b. Michael Sababi, D.C. emailed the Board asking if it is within the scope of practice for a chiropractor to do IV nutritional therapy. The Board stated that it is not its practice to answer specific legal questions regarding matters not specifically covered by its statutes and rules. It is possible that the scope of practice questions he poses are ones which the Board may have to address in its adjudicatory function, that is, in the course of deciding a disciplinary complaint. The Board is set up to decide the propriety of conduct by regulated professional. However, its authority to do so must be exercised in the course of disciplinary proceedings or a formal “declaratory judgment” proceeding. The Board makes this type of determination only after a hearing provides the benefit of fully developed facts. At the formal hearing where witnesses testify under oath the Board can look at the issue in context and be assured that it has all facts necessary to make an informed decision. If the Board were to pass judgment now on the conduct you request information about, it could be disqualified from judging the issue in an unprofessional conduct case or declaratory judgment case in the future. The Board refers him to Section 129(a) (13) of the statutes.
  - c. Jennifer Butler emailed the Board asking if the conservative treatment of plantar fasciitis utilizing radial shockwave therapy is considered within the scope of practice of a doctor of chiropractic and if a doctor of chiropractic in Vermont is considered a “physician”. The Board responded that the use of a wave therapy device is not addressed in the Board’s statutes or rules. The Board has not addressed this issue and is not permitted to issue advisory opinions or render legal advice.

She was referred to Section 521 (4) for the definition of Chiropractor.
  - d. Jeremy St. Marie submitted an email stating that they just hired an athletic trainer to perform their rehab protocols and need to know how to advertise that they offer these services along with chiropractic care. The Board is not able to give legal advice to licensees and he may want to contact his legal advisor.
  - e. Kelly Webb from FCLB emailed the Board asking if chiropractors are legally authorized to provide concussion-related medical clearance. The Board responded suggesting that she see the statutes regarding chiropractors in Title 26 and to see also 16 V.S.A. § 1431(4). There may also be other resources.
  - f. Director Winters came to speak with the Board about its budget. Dr. Foster moved, seconded by Mr. Coane, to decrease license renewal fees by \$100.00. Approved.
  - g. Director Winters presented Dr. Charles Foster a plaque for his 10 years of dedicated service to the Board of Chiropractic. The Board and the Office appreciate all his hard work.
  - h. The Board’s next meeting is scheduled for January 7, 2014 to begin at 1:30 p.m.
5. The Board adjourned at 2:40 p.m.

Respectfully submitted,

Diane Lafaille, Licensing Board Specialist