

AGENDA

CONNECTICUT STATE BOARD OF CHIROPRACTIC EXAMINERS

Thursday, April 22, 2021, at 9:00 A.M.

Department of Public Health
410 Capitol Avenue, Hartford CT

CALL TO ORDER

Minutes

Review of the minutes from January 21, 2021.

OFFICE OF LEGAL COMPLIANCE

A. Robert Barnett, D.C. – Petition No.2018-1238

Consent Order – Presented by Brittany Allen, Staff Attorney, DPH

NEW BUSINESS

A. Request for Declaratory Ruling regarding the use of a Class II medical

ADJOURN

**This meeting will be held by video conference
Board of Chiropractic Examiners via Microsoft Teams**
Join on your computer or mobile app
[Click here to join the meeting](#)

Or call in (audio only)
+1 860-840-2075 _ Phone Conference ID: 134 046 858#

The Department of Public Health is an equal opportunity provider and employer.

*If you require aid/accommodation to participate fully and fairly,
please contact the Public Health Hearing Office at 860-509-7566.*

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 January 21, 2021.

BOARD MEMBERS PRESENT: Candito Carroccia, DC
Karlos Boghosian, DC
Gina Carucci, DC
Sean Robotham, DC

BOARD MEMBERS ABSENT: Pamela Sawyer (Public Member)

ALSO PRESENT: Jeffrey Kardys, Board Liaison

Dr. Carroccia called the meeting to order at 9:03 a.m. All participants were present by video/telephone conference.

I. MINUTES

Dr. Boghosian made a motion, seconded by Dr. Robotham, to approve the minutes from the October 15, 2020 and December 17, 2020 meetings. The motion passed unanimously.

II. LICENSE REINSTATEMENT APPLICATION

Heather K. Woodbury, DC, License # 001373

Celeste Dowdell, License and Applications Analyst, Practitioner Licensing and Investigations Section presented a license reinstatement application of Heather Woodbury, DC seeking a recommendation from the Board due to Dr. Woodbury having been out of clinical practice since 2017.

Dr. Boghosian made a motion, seconded by Dr. Carucci to recommended reinstatement of Dr. Woodbury's license. The motion passed unanimously.

III. Annual Approval of Chiropractic Colleges/Universities

Dr. Carucci made a motion, seconded by Dr. Robotham that pursuant to § 20-27(d) of the Connecticut General Statutes, to approve those colleges and universities that are accredited by the Council on Chiropractic Education as well as the Canadian Memorial Chiropractic College which the Board approved on April 26, 2018. The motion passed unanimously.

IV. Delegate to the Federation of Chiropractic Licensing Boards and the National Board of Chiropractic Examiners

Dr. Boghosian will this year's delegate. Dr. Carroccia will be the alternate delegate.

V. ADJOURN

The meeting was adjourned at 9:23 a.m. on motion by Dr. Carucci, seconded by Dr. Boghosian.

Respectfully submitted

Candito Carroccia, DC

Connecticut State Board of Chiropractic Examiners

CONNECTICUT STATE BOARD OF CHIROPRACTIC EXAMINERS
CONSENT ORDER COVER SHEET

In re: Robert Barnett, D.C.

Petition Number: 2018-1238

1. Robert Barnett of Groton, Connecticut (hereinafter "respondent") has been issued license number 000834 to practice as a chiropractor by the Department of Public Health (hereinafter "the Department").
2. The Department alleges that during the course of approximately August 2016 through June 2019, respondent aided and/or otherwise facilitated the unlicensed practice of massage therapy.
3. The unlicensed massage therapy was provided by a person who subcontracted space at the respondent's practice. The respondent believed this person was licensed and sometimes referred patients to him, but did not employ, insure, or otherwise control this person's practice.
4. The proposed Consent Order contains a reprimand and is reportable to the National Practitioner Data Bank.
5. Pursuant to General Statutes of Connecticut §19a-14(a)(12)(C), a copy of the proposed Consent Order was provided to the complainant on March 15, 2021.
6. The Department and respondent respectfully request that this Board order and accept the proposed Consent Order in this matter.

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH

In re: Robert Barnett, D.C.

Petition No. 2018-1238

CONSENT ORDER

WHEREAS, Robert Barnett of Groton, CT (hereinafter "respondent") has been issued license number 000834 to practice as a chiropractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 372 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges:

1. During the course of approximately August 2016 through June 2019, respondent aided and/or otherwise facilitated the unlicensed practice of massage therapy.
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-29.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Connecticut State Board of Chiropractic Examiners (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-29 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-29 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license number 000834 to practice as a chiropractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
4. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
5. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
6. Respondent understands and agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which his compliance with this Consent Order or with §20-29 of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank maintained by the United States Department of Health and Human Services, and that all disciplinary actions will appear on his health care provider profile pursuant to Connecticut General Statutes 20-13j.
7. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent agrees that this Consent Order shall not be subject to modification as a result of any claim that the terms

contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to §4-181a of the General Statutes of Connecticut without the express consent and agreement of the Department. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.

8. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
9. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance on evidence outside the administrative record if this matter proceeds to a hearing on a statement of charges resulting in a proposed decision by the Board and/or a panel of the Board and a final decision by the Board.
10. Respondent has the right to consult with an attorney prior to signing this document.

11. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
12. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

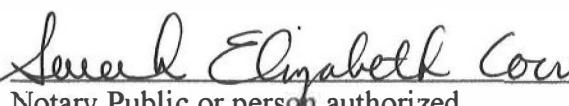
I, Robert Barnett, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



Robert Barnett, D.C.

Subscribed and sworn to before me this 12th day of March 2021.





Sarah Elizabeth Coons
Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the
Commissioner of the Department of Public Health on the 16th day of
March 2021, it is hereby accepted.



Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the State Board
of Chiropractic Examiners on the _____ day of _____ 2021, it is
hereby ordered and accepted.

State Board of Chiropractic Examiners

Kardys, Jeffrey

From: Candito Carroccia DC <Candic@comcast.net>
Sent: Wednesday, March 31, 2021 2:13 PM
To: Kardys, Jeffrey
Subject: Fwd: Chiropractic Board Of Examiners Inquiry/ Class II Medical Device / Emsculpt NEO
Attachments: K192224 - Synchronized RF FDA.pdf; K190456 - HIFEM FDA.pdf

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Candito Carroccia DC DABCN

Begin forwarded message:

From: "Alan H. Siegel" <ahsiegeldc@gmail.com>
Date: March 31, 2021 at 1:18:30 PM EDT
To: dph.healingarts@ct.gov, candic@comcast.net
Subject: Chiropractic Board Of Examiners Inquiry/ Class II Medical Device / Emsculpt NEO

Dear Members of the CT Board of Chiropractic Examiners. I am writing to you to get a formal opinion of the use of a Class II medical device for our patients. In particular, the device is called the Emsculpt NEO, (attached is the FDA use indication language) . Anyway the chiropractic clinical purpose of applying this device would be as part of a nutrition and dietary program to lower BMI, decrease % body fat composition, loss of weight which would have a positive effect on one's neuromuscular skeletal system when combined with chiropractic and physical rehabilitation of various conditions. It is well documented that excessive weight has a negative affect on those suffering with low back, mid back pain and other systemic neuropathic conditions.

These devices are minimally to non invasive using external radio frequency and electromagentic waves. All applications are external to the dermis (like e.stim, ultrasound, diathermy) If the board would be able to comment on the use of this class device for CT Chiropractic, I would appreciate it. Thanks for your consideration.

Alan Siegel, DC
License # 2174

Sent from my iPhone

510(k) Number (*if known*)
K192224

Device Name
BTL-899

Indications for Use (Describe)

BTL-899 is indicated to be used for:

- Non-invasive lipolysis (breakdown of fat) of the abdomen.
- Reduction in circumference of the abdomen
- The BTL-899 is intended for use with Skin Type I to Skin Type III.

Type of Use (Select one or both, as applicable)

Prescription Use (Part 21 CFR 801 Subpart D) Over-The-Counter Use (21 CFR 801 Subpart C)

CONTINUE ON A SEPARATE PAGE IF NEEDED.

This section applies only to requirements of the Paperwork Reduction Act of 1995.

DO NOT SEND YOUR COMPLETED FORM TO THE PRA STAFF EMAIL ADDRESS BELOW.

The burden time for this collection of information is estimated to average 79 hours per response, including the time to review instructions, search existing data sources, gather and maintain the data needed and complete and review the collection of information. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden, to:

Department of Health and Human Services
Food and Drug Administration
Office of Chief Information Officer
Paperwork Reduction Act (PRA) Staff
PRAStaff@fda.hhs.gov

"An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB number."

Indications for Use

510(k) Number (if known)

K190456

Device Name

BTL 799-2L

Indications for Use (Describe)

BTL 799-2L is indicated to be used for:

- Improvement of abdominal tone, strengthening of the abdominal muscles, development of firmer abdomen.
- Strengthening, Toning and Firming of buttocks, thighs and calves.
- Improvement of muscle tone and firmness, for strengthening muscles in arms.

Type of Use (Select one or both, as applicable)

Prescription Use (Part 21 CFR 801 Subpart D)

Over-The-Counter Use (21 CFR 801 Subpart C)

CONTINUE ON A SEPARATE PAGE IF NEEDED.

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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Deidre S. Gifford, MD, MPH
Acting Commissioner



Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

April 1, 2021

Candito Carroccia, D.C., Chairman
Connecticut State Board of Chiropractic Examiners
Department of Public Health
410 Capitol Avenue
Hartford, CT 06134

SENT VIA ELECTRONIC MAIL (candic@comcast.net))

Re: Declaratory Ruling – Use of a Class II Medical Device

Dear Dr. Carroccia:

On March 31, 2021, the Department of Public Health was notified of a petition for a declaratory ruling to the Connecticut State Board of Chiropractic Examiners from Alan H. Siegel, D.C. Dr. Siegel requests a formal opinion as to whether the use of a Class II medical device (Emsculpt NEO) is within the scope of chiropractic practice in Connecticut.

Pursuant to Conn. Gen. Stat. § 19a-14(f)(2) this letter serves to notify the State Board of Chiropractic Examiners that the decision rendered by the Board in this matter shall be a proposed decision and the Commissioner of the Department of Public Health, or her designee, shall render the final determination in this matter.

Sincerely,

Deidre S. Gifford, MD, MPH
Acting Commissioner
Connecticut Department of Public Health

c: Kerry Colson, Assistant Attorney General



Phone: (860) 509-7566 • Fax: (860) 707-1904
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