

State Board of Chiropractic Examiners

Public Session Agenda

Thursday, May 23, 2002
Somerset Room - 6th Floor
124 Halsey Street
Newark, New Jersey

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF APRIL 25, 2002 (To be forwarded under separate cover)

II. COMMITTEE ASSIGNMENTS

Dr. Atkisson will make committee assignments for the 2002-2003 period.

III. OLD BUSINESS

A. NEURODIAGNOSTIC RULE AMENDMENTS

Enclosed for the Board's review are several recommendations suggested by Drs. Atkisson and Apuzzio to the current regulation at N.J.A.C. 13:44E-3.0 et seq.

B. ELECTRO DIAGNOSTIC TESTING - EDUCATIONAL STANDARDS.

Attached for Board review are recommendations of Drs. Atkisson and Apuzzio setting forth the standard for the issuance of a certificate in electro diagnostics as issued by the Board pursuant to the Board's regulations.

C. DEPARTMENT OF BANKING AND INSURANCE - AMENDMENTS TO THE MEDICAL FEE SCHEDULE

Attached for Board review is the comment prepared and submitted to the Department of Banking and Insurance to the proposed amendments to the Medical Fee schedules.

D. ANIMAL CHIROPRACTIC - ACTION FOR PETITION FOR RULEMAKING

On February 8, 2002, the Board received a Petition for Rulemaking filed by Margaret Dillon, D.C. On February 28, 2002, the Board considered the petition and referred the matter to the Regulations Committee for a recommendation. The Regulations Committee will report on its recommendation.

E. FCLB/NBCE - REPORT ON ANNUAL MEETING

Dr. O'Connor and Executive Director Earle will report on their attendance at the above noted meetings. See press release enclosed.

IV. NEW BUSINESS

REGULATIONS COMMITTEE REPORT

Dr. Mary Ellen Rada will report on regulations considered by the Regulations Committee at their meeting on May 7, 2002.

V. DISCIPLINARY MATTERS

LOUIS D'AGOSTINO, D.C.

The Board will recall that Dr. D'Agostino was an application for licensure by Endorsement from the State of Georgia. During the course of review of the application it appeared that Dr. D'Agostino had plead guilty to a charge of distribution of cocaine on January 25, 1999 in the US District Court, middle district of Florida and was sentenced to 24 months of imprisonment followed by five years of supervisory release. On or about November 15, 2000 the Florida State Board of Chiropractic denied the responded a license to practice chiropractic in the State of Florida. In the context of his application for New Jersey license Dr. D'Agostino responded no to the question as to whether or not he had ever been denied a license to practice chiropractic in any other state. Based upon the Board's review of the application it was determined that the application should be denied. A Provisional Order of Denial of Licensure was filed with the Board on September 27, 2001 and sent by Certified Mail RRR. Action is needed by the Board to approve a Final Order of Denial of Licensure.

VI. APPEARANCES

A. EMILIO GRUGNALE, D.C. 11:00 AM

Dr. Grugnale has requested an appearance for a status conference based upon a Consent Order entered on November 16, 2000. A copy of the previous order entered and most recent urine screen results and a letter from Dr. Grugnale are attached. Representatives of the Physicians Health Program will appear with Dr. Grugnale.

B. RICHARD FINDER, D.C. 1:00 PM

Stephen Pontell, Esq. for respondent
Douglas J. Harper, Deputy Attorney General for the State

On April 25, 2002 an Order to Show Cause was filed with the Board as well as a Verified Complaint seeking the temporary suspension of respondents license to practice chiropractic in the State of New Jersey. An Answer is expected to be filed by respondent's attorney by May 17, 2002.

**Please refer to the packets from the April 25, 2002 meeting.

C. MICHAEL CAPILLI, D.C.

On March 21, 2001 a Provisional Order of Discipline was filed by the Attorney General with the Board of Chiropractic Examiners seeking an active suspension of the license of Michael Capilli, D.C. based upon the grounds of his failure to comply with the terms of the previously filed Board Order. The Provisional Order of Discipline was served on respondent on April 5, 2002 requiring him to respond to the Provisional Order within thirty (30) days of service. No response has been received by the Board. Action is required by the Board to authorize the issuance of a Final Order of Discipline.

VII. GENERAL INQUIRIES

A. INQUIRY OF GERALD A CUMMINS, JR., ESQ.

Mr. Cummins requests guidance from the Board as to whether the use of the VAX-D machine is covered by the rules relating to electro-magnetic, electro-mechanical or mechanical traction or any other similar modality. Mr. Cummins also requests guidance on the requirement for informed consent.

VIII. ENDORSEMENTS

A. RICHARD VISONE, D.C.

Dr. Visone is a 1993 graduate of Life College and has been licensed in the State of Nevada since 1993. He has taken National Boards Parts I, II and III. He completed a clinical examination in chiropractic technique, clinical competency, law and radiology offered by the Chiropractic Physicians Board of Nevada. CIN-BAD report is clear.

B. VINCENZO R. SINATRA, D.C.

Dr. Sinatra is a 1979 graduate of Logan College and has been licensed to practice chiropractic in Arkansas and New York.. Dr. Sinatra does not hold a current license in Arkansas. His license in New York is current and in good standing.

C. STEVEN TILL

Dr. Till is a 1987 graduate of Cleveland Chiropractic College Los Angeles. He has been licensed to practice chiropractic in New York since 1990.

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