

**STATE BOARD OF CHIROPRACTIC EXAMINERS
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS**

**PUBLIC SESSION MINUTES
JANUARY 20, 2005**

A meeting of the New Jersey Board of Chiropractic Examiners was held on January 20, 2005 at the State Office Building, 124 Halsey Street, 6th floor, Newark New Jersey. The meeting was convened in accordance with the provision of the Open Public Meetings Act with previous notification having been sent to the Secretary of State and the following publications: The Bergen Record, Newark Star Ledger, Camden Courier Post, Trenton Times and Asbury Park Press to advise of the scheduling of this meeting. The meeting was called to order by Joseph Louro, D.C., Vice President of the Board at 10:15 AM.

ATTENDANCE

PRESENT:

Drs. Atkisson, Calio, Louro, Murphy, O'Connor, Rada and Stabile Mr. Faulkner and Mr. Traier

EXCUSED:

Dr. Senatore

ALSO PRESENT: DAG John Hugelmeyer, Executive Director Kevin Earle, Venus Hall, Paralegal and recording secretary Shekenna Brown.

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF DECEMBER 16, 2004.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. MURPHY TO ACCEPT THE PUBLIC SESSION MINUTES OF DECEMBER 16, 2004 AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. REGULATION REVIEW

A. REHABILITATIVE EXERCISE

Regulatory Analyst Devon Graf was present during the consideration of this matter.

The Board reviewed a draft of the proposed changes to the Scope of Practice regulation. After a lengthy discussion, the Board agreed to a few minor changes as to the language used in the proposal.

A MOTION WAS MADE BY DR. CALIO WHICH WAS SECONDED BY DR. MURPHY TO ACCEPT THE LANGUAGE AS AMENDED FOR PUBLICATION AS A PROPOSAL IN THE NEW JERSEY REGISTER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. ELECTRODIAGNOSTIC TESTING

Regulatory Analyst Devon Graf was present during the consideration of this matter.

The Board reviewed a draft of the proposed changes to the electrodiagnostic testing regulation. After discussing the current draft language, it was decided to make several additional changes.

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. MURPHY TO ACCEPT

THE LANGUAGE AS AMENDED FOR PUBLICATION AS A PROPOSAL IN THE NEW JERSEY REGISTER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. CHIROPRACTIC CONTINUING EDUCATION STATUTE

Regulatory Analyst Devon Graf was present during the consideration of this matter.

The Board reviewed draft language of a proposed statutory changes that would require continuing education for all licensed chiropractors. The draft was prepared by the Association of New Jersey Chiropractors. The Board expressed its approval of this initiative, noting that New Jersey is the only state in the Nation that does not have a CE requirement.

Specifically, the Board made the following recommendations:

Subsection 1 Two of the 24 biennial credits should be in "professional ethics and jurisprudence."

Subsection 2a (1) the phrase "shall equally weight." should be deleted. Subsection 6 (a&b) Effective date should read "of the adoption of regulations implementing the provisions of this statute."

Subsection 7 Delete the first sentence - This section should read "Each licensee shall retain a record of attendance of continuing education for their current and previous biennial periods."

Subsection 8 Penalties should be a minimum of \$500 for the first offense; second offenses should be pursuant to the provisions of the Uniform Enforcement Act (N.J.S.A. 45:1.1 et seq.)

Subsection 10 This section should be deleted. The present language would require the Board to accept all course offerings of the groups and associations referenced in this section. The Board also suggests that statutes should not contain references to private companies and or associates.

Subsection 11 Although the Board offered to include affected associations during the drafting process, the Board suggests strongly that a mandatory requirement to include this is unadvisable. The Board again expressed a willingness to have a open and inclusive process during the informal drafting of the regulation.

Effective Date The Board recommended that the following language be used:

"The Board shall promulgate regulations effecting the purpose of this Act within 180 days of approval.

III. NEW BUSINESS

A. COUNCIL ON CHIROPRACTIC EDUCATION

The Board reviewed an announcement from CCE informing the Board of the matters discussed at its Annual Meeting held January 6-7, 2005 in Scottsdale, Arizona.

THIS WAS ACCEPTED AS INFORMATIONAL

B. FEDERATION OF CHIROPRACTIC LICENSING BOARDS

The Board reviewed announcements for the annual FCLB conference which will be held May 4 - 8, 2005 in Montreal, Canada. The registration deadline for submitting the names of the Board's voting delegate and alternate is April 7, 2005. The deadline for nominations for Outstanding Licensing Board Award is February 25, 2005.

DRS. O'CONNOR AND RADA VOLUNTEERED AND WERE ACCEPTED AS DELEGATES FOR THE CONFERENCE.

C. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS

The Board reviewed an announcement from the NBCE requesting the Board designate one voting delegate and one alternate to serve a one-year term as the New Jersey delegate of the NBCE. This information must be submitted no later than March 7, 2005. The Annual Luncheon and Business Meeting of State Delegates will be held May 6, 2005 in Montreal, Canada.

DRS. RADA AND O'CONNOR VOLUNTEERED AND WERE ACCEPTED AS STATE DELEGATE AND ALTERNATE FOR THE NBCE ANNUAL MEETING.

D. INQUIRY OF NICHOLAS J. FANO, ESQ.

The Board reviewed information submitted by Mr. Fano requesting the board's position regarding coding for Manipulation Under Anesthesia. The Board was reminded by DAG Hugelmeyer it does not have jurisdiction over CPT coding and suggested this matter be referred to the Department of Banking and Insurance.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY DR. LOURO TO RESPOND TO MR. FANO AS OUTLINED ABOVE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

E. MEDICAL MALPRACTICE LIABILITY INSURANCE PROGRAM

Submitted for Board review is a copy of the special adoption of rule N.J.A.C.11:27-7, Medical Malpractice Liability Insurance Premium Assistance Fund - Premium Subsidy which was effective November 17, 2004.

THIS WAS ACCEPTED AS INFORMATIONAL.

VI. ELECTRODIAGNOSTIC TESTS AND SPECIAL EXAMINATIONS PERMIT APPLICANTS

A MOTION WAS MADE BY DR. ATIKISSON WHICH WAS SECONDED BY DR. RADA TO APPROVE THE APPLICATIONS OF THE FOLLOWING INDIVIDUALS FOR ELECTRODIAGNOSTIC TESTS AND SPECIAL EXAMINATIONS PERMITS:

A. JOHN F. MATTEI, D.C.

B. THOMAS CAMPIONE, D.C.

C. MARTIN A. HEMENETZ, D.C.

D. MICHAEL C. CARBONE, D.C.

A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VII. LICENSURE APPLICANT

APPEARANCE OF THOMAS T. HERCHAKOWSKI 11:00 AM

Dr. Herchakowski is a 2002 graduate of Life University and is applying for licensure in New Jersey through Parts IV.

THIS MATTER HAS BEEN RESCHEDULED FOR THE FEBRUARY 17, 2005 MEETING.

ADJOURNMENT

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. MURPHY TO GO INTO

EXECUTIVE SESSION TO CONSIDER PENDING BOARD INVESTIGATIONS, CONSUMER COMPLAINTS AND DISCIPLINARY MATTERS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR. THE MEETING WAS ADJOURNED AT 12:30PM.

Respectfully Submitted,

Joanne Boyer, Acting Executive Director