

**STATE OF NEW JERSEY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF CHIROPRACTIC EXAMINERS  
124 HALSEY STREET  
NEWARK, NEW JERSEY  
PUBLIC SESSION MINUTES  
THURSDAY, JANUARY 24, 2013**

A meeting of the New Jersey Board of Chiropractic Examiners was held on January 24, 2013 at the State Office Building, 124 Halsey Street, 7<sup>th</sup> floor, Newark, New Jersey in the Somerset room on the 6<sup>th</sup> floor. The meeting was convened in accordance with the provisions of the Open Public Meetings Act with previous notification having been sent to the Secretary of State and the following publications: The 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 Albert Stabile, Jr., D.C., President of the Board, at 9:35 A.M. A roll call was taken and the following attendance was recorded and a quorum was present:

<b>David A. Allen, D.C.</b>	<b>Present</b>
<b>Rosemary Calio, BSN, RN, D.C.</b>	<b>Present</b>
<b>Michael Krouse, D.C.</b>	<b>Present</b>
<b>Lawrence O'Connor, D.C.</b>	<b>Present</b>
<b>Thomas A. Senatore, Sr., D.C.</b>	<b>Present</b>
<b>Michael Spadafino, D.C.</b>	<b>Present</b>
<b>Albert Stabile, Jr., D.C.</b>	<b>Present</b>
<b>John Traier</b>	<b>Absent</b>
<b>James L. Winters, D.C.</b>	<b>Present</b>

Also present were: **Virginia Class Matthews, Deputy Attorney General; and Lisa Tadeo, Executive Director**

**PUBLIC COMMENT**

**I. APPROVAL OF THE PUBLIC SESSION MINUTES OF DECEMBER 20, 2012**

A motion was made by Dr. Winters, which was seconded by Dr. Spadafino, to approve the public session minutes from the December 20, 2012 meeting as presented. A vote was taken and the motion passed with all members present voting in favor.

**II. CONTINUING EDUCATION COMMITTEE**

The continuing education committee held a conference call on Tuesday, January 14, 2013 and reviewed 71 courses submitted by continuing education sponsors. The committee identified 12 courses where sponsors will be requested to provide additional information. The committee recommended that 3 courses be denied and 56 courses be approved based on the information submitted for these courses. A motion was made by Dr. Senatore and seconded by Dr. O'Connor,

to deny the 3 course<sup>2</sup> and approve the 56 courses as recommended by the committee. A vote was taken and the motion passed with all members present voting in favor.

### **III. FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB)**

The Board discussed the credentialing of chiropractic clinical assistants.

### **IV. NEW BUSINESS**

Upon a motion made by Dr. Calio, which was seconded by Dr. O'Connor, the Board voted to go into Executive Session to review and discuss applications for licensure and reinstatement. The Board returned to public session to continue the meeting and to vote on the applications for licensure and reinstatement.

#### **A. Application for Chiropractic Licensure**

##### **1. Neil Tropiano**

A motion was made by Dr. Spadafino, which was seconded by Dr. Winters, to approve Dr. Tropiano's application for licensure. A vote was taken and the motion passed with all members present voting in favor.

##### **2. Hojin Joo**

A motion was made by Dr. Spadafino, which was seconded by Dr. O'Connor, to approve Dr. Joo's application for licensure. A vote was taken and the motion passed with all members present voting in favor.

##### **3. Carlos Betanwr**

A motion was made by Dr. O'Connor, which was seconded by Dr. Winters, to approve Dr. Betanwr's application for licensure. A vote was taken and the motion passed with all members present voting in favor.

#### **B. Board Discussion with Elizabeth Greenblatt, Regulatory Analyst RE: Sunset of Regulations**

Under Public Law 2011 Chapter 45 the five year sunset period for regulations has now been extended to seven years. Regulations expire every seven years instead of every five years. The New Jersey State Board of Chiropractic Examiners regulations were to expire on December 22, 2011 and will now expire on December 22, 2013.

A committee of the Board will review the New Jersey State Board of Chiropractic Examiners regulations with Regulatory Analyst Elizabeth Greenblatt. The Board will review the committee's recommendations at the February 28, 2013 Board meeting.

- C. Assembly, No. 3618  
(Synopsis - Requires certain disclosures in advertisements by health care professionals) - Introduced December 17, 2012

The proposed bill states, "A health care professional who places, or causes to be placed, an advertisement for that health care professional's services shall include in that advertisement the health care professional's name, and the full name of the professional's State-granted license type, except that physicians licensed to practice medicine and surgery may use the abbreviation "MD" or "DO" to describe their license".

A motion was made by Dr. O'Connor, which was seconded by Dr. Winters, to advise the Division of Consumer Affairs legislative liaison that each health care professional should be able to abbreviate their State-granted license type in an advertisement with no exceptions. It is costly to spell out the State-granted license type in an advertisement and all the health care professions should be treated equally with consistency throughout. A vote was taken and the motion passed with all members present voting in favor.

- D. Letter from the National Board of Chiropractic Examiners  
RE: Part IV Practice Examinations 2013 schedule

The National Board of Chiropractic Examiners notified the Board of the Part IV examinations 2013 schedule and inquired if two New Jersey State Board of Chiropractic Examiners Board members were interested in participating as examiners in the administration of each practice exam. The Spring Part IV Exam is scheduled for May 17, 18, and 19, 2013. The Fall Part IV exam is scheduled for November 8, 9, and 10, 2013.

The Board will inform the National Board of Chiropractic Examiners that Dr. Stabile will participate in the administration of three examinations and Dr. Allen will participate in the administration of two examinations.

- E. Inquiry from Leah Van Blarcom, DC  
RE: "Animal Chiropractic"

Dr. Blarcom requested that the Board consider the addition of Animal Chiropractic into the scope of practice of chiropractors. Dr. Blarcom provided the Board with information from Parker University, the American Veterinary Chiropractic Association, as well as, the practice acts of various states that recognize certified animal chiropractors with both the Veterinary Board and/or Chiropractic Board.

A motion was made by Dr. Winters, which was seconded by Dr. Allen, to advise Ms. Blarcom that the Chiropractic Board continues to recognize the 1994 agreement between the New Jersey Board of Chiropractic Examiners and the New Jersey Board of Veterinary Examiners which allows a licensed chiropractor to treat an animal under the terms of a referral from a licensed veterinarian. The Chiropractic Board will contact the Board of Veterinary Examiners concerning this issue. A vote was taken and the motion passed with all member present voting in favor.

- F. Inquiry from Yoonki Kim  
RE: Advertising

Mr. Kim inquired whether all the chiropractors involved in a thirty second television ad needed to be identified in order to comply with N.J.A.C. 13:44E-2.1(i).

A motion was made by Dr. Calio, which was seconded by Dr. Spadafino, to inform Mr. Kim that the advertiser must keep a record of the advertisement pursuant to N.J.A.C. 13:44E-2.1 and a list of the names of the participating chiropractors connected to the advertisement. A vote was taken and the motion passed with all members present voting in favor.

- G. Inquiry from James Ballantine, DC  
RE: Continuing Education

Dr. Ballantine informed the Board that he attained a certification in Neurophysiologic Intraoperative Monitoring which required him to complete 18 months of academic and intraoperative training to pass the certification examination. Dr. Ballantine inquired whether he can use this coursework towards the continuing education requirement.

The Board will provide Dr. Ballantine with an application for continuing education and will ask him to send the supporting documentation as outlined in the application. The Board will then review the information to determine whether any continuing education credits can be granted.

- H. Inquiry from Larry Creveling  
RE: Hyalgan Injections

This matter was tabled while the Board gathers more information concerning Hyalgan Injections.

- I. Inquiry from Richard Maczuga, DC  
RE: Patient Records

Dr. Maczuga informed the Board that he has recently retired and has notified his patients by mail of his retirement as well as how they can obtain a copy of their patient records. Dr. Maczuga also informed the Board that he placed an ad in the local newspaper of same. Dr. Maczuga informed the

Board that there is a chiropractor who is interested in purchasing his practice including the patient records file base and inquired if the purchaser of the practice would become the custodian of the records.

A motion was made by Dr. Winters, which was seconded by Dr. Spadafino, to inform Dr. Maczuga that the purchaser would become the custodian of the records. The Board will also refer Dr. Maczuga to the regulation *Patient records* N.J.A.C. 13:44E-2.2(g). A vote was taken and the motion carried with all members voting in favor.

- J. Inquiry from Michele Gardner, DC  
RE: Chiropractic Care for Animals

Dr. Gardner inquired about chiropractic care for animals in New Jersey.

A motion was made by Dr. Winters, which was seconded by Dr. Allen, to advise Ms. Blarcom that the Chiropractic Board continues to recognize the 1994 agreement between the New Jersey Board of Chiropractic Examiners and the New Jersey Board of Veterinary Examiners which allows a licensed chiropractor to treat an animal under the terms of a referral from a licensed veterinarian. A vote was taken and the motion passed with all member present voting in favor.

- K. Inquiry from Leon G. Lucyk, DC  
RE: Continuing Education

Dr. Lucyk asked the Board to exempt him from the continuing education requirement as he has been licensed since 1954, he has some difficulty attending courses due to his health and he only practices part time.

A motion was made by Dr. O'Connor, which was seconded by Dr. Allen, to deny Dr. Lucyk's request. Dr. Lucyk is required to meet the continuing education requirement. A vote was taken and the motion passed with all members present voting in favor.

- L. Inquiry from Dennis Verbaro, DC  
RE: Professional Co-op Services

Dr. Verbaro inquired whether New Jersey licensed chiropractors are permitted to order blood work.

A motion was made by Dr. Winters, which was seconded by Dr. Allen, to inform Dr. Verbaro that New Jersey licensed chiropractors are permitted to order blood work from any licensed lab. A vote was taken and the motion carried with all members present voting in favor.

- M. Inquiry from Edward V. Sofo, DC  
RE: Permissible Practice Structures

Dr. Sofo informed the Board that he has written to the New Jersey State Board of Chiropractic Examiners and the Board of Medical Examiners to obtain information concerning the acceptable practice structures involved in a chiropractor and a medical doctor going into business with each other.

A motion was made by Dr. O'Connor, which was seconded by Dr. Allen, to refer Dr. Sofo to the regulation *Permissible practice structures* N.J.A.C. 13:44E-2.15. A vote was taken and the motion carried with all members present voting in favor.

- N. Inquiry from Nicole L. Voigt, Esq.  
RE: Referral Fees

Mr. Voigt asked the Board for clarification of regulation N.J.A.C. 13:44E-2.6. Mr. Voigt inquired if an employee/independent contractor who is networking as a representative of the chiropractor be compensated based upon the actual number of new clients who pay for services from the chiropractor.

A motion was made by Dr. O'Connor, which was seconded by Dr. Allen, to refer to N.J.A.C. 13:44E-2.6 which states, "It shall be professional misconduct for a licensee to pay, offer to pay, or to receive from any person any fee or other form of compensation for the referral of a patient...". A vote was taken and the motion carried with all members present voting in favor.

- O. Election of Delegate and Alternate Delegate to attend the National Board of Chiropractic Examiners' Annual Business Meeting

A motion was made by Dr. Winters, which was seconded by Dr. Allen, to elect Albert Stabile as Delegate and Lawrence O'Connor as the Alternate Delegate to attend the National Board of Chiropractic Examiners' Annual Business Meeting on May 3, 2013 in San Francisco, California. A vote was taken and the motion passed with all members present voting in favor.

## **V. OPEN DISCIPLINARY MATTERS**

- A. Consent Order filed on January 2, 2013  
In the matter of Jason C. Tirado, DC

A Consent Order was filed by the New Jersey State Board of Chiropractic Examiners on January 2, 2013 in the matter of Jason C. Tirado, D.C.

- B. Consent Order filed January 11, 2013  
In the matter of Peter V. Plumb, DC

A Consent Order filed by the New Jersey State Board of Chiropractic Examiners on January 11, 2013 in the matter of Peter V. Plumb, D.C.

## **VI. INFORMATIONAL**

- A. Division of Consumer Affairs  
State Board of Chiropractic Examiners  
Adopted Amendments: N.J.A.C. 13:44E-1.1 and 1A.4  
Adopted New Rules: N.J.A.C. 13:44E-1A.5 and 1A.6  
- From the January 7, 2013 New Jersey Register

The Board reviewed the adopted amendments and adopted new rules and considered them informational.

Upon a motion made by Dr. Calio, which was seconded by Dr. O'Connor, the Board voted to go into Executive Session to discuss matters involving investigations of violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Eleven matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Fifteen matters where additional information has been submitted to the Board concerning pending investigations.

## **ADJOURNMENT**

The Board returned to Public Session and a motion was made by Dr. Spadafino, which was seconded by Dr. O'Connor, to adjourn the meeting at 1:00 P.M. A vote was taken and the motion passed with all members voting in favor.

Respectfully submitted,

Lisa Tadeo  
Executive Director