

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET, 6TH FLOOR
SOMERSET ROOM
NEWARK, NEW JERSEY
PUBLIC SESSION MINUTES
THURSDAY, JANUARY 25, 2007**

A meeting of the New Jersey Board of Chiropractic Examiners was held January 25, 2007 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 Lawrence O'Connor, D.C., President of the Board, at 9:30 AM.

ATTENDANCE

PRESENT: Drs. Rada, Murphy, Calio, Kostinas, Krouse, O'Connor, Spadafino, Stabile, and Mr. Traier

EXCUSED: Dr . Senatore

ALSO PRESENT: DAG John Hugelmeyer, Executive Director Kevin Earle, and Recording Secretary Sonya Liverpool.

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF DECEMBER 21, 2006

A MOTION WAS MADE BY DR. KOSTINAS, WHICH WAS SECONDED BY DR. KROUSE, TO APPROVE THE PUBLIC SESSION MINUTES OF DECEMBER 21, 2006 AS AMENDED. A VOTE WAS TAKEN, AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. OLD BUSINESS

A. SUNSET ADOPTION

Regulatory Analyst Patricia Schiripo was available to discuss with the Board certain questions that have been raised by the Office of Administrative Law regarding the Board's responses to comments submitted regarding the Board's Sunset Adoption. The Board assisted Ms. Schiripo with those clarifications. The adoption is scheduled to be published during the month of February.

III. NEW BUSINESS

A. APPLICATIONS (ELECTRO-DIAGNOSTIC TEST & SPECIAL EXAMINATIONS)

1. Scott E. Bensky, D.C.
2. Anthony Serle, D.C.

A MOTION WAS MADE BY DR. STABILE, WHICH WAS SECONDED BY DR. KOSTINAS, TO APPROVE BOTH APPLICANTS FOR THE ELECTRO-DIAGNOSTIC PERMITS. A VOTE WAS TAKEN, AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. APPLICATIONS FOR LICENSURE

1. Jennifer C. Dour, D.C.

Dr. Dour is a 2006 graduate of Palmer Chiropractic College of Florida and has passed Parts I, II, III & IV of National Boards. Dr. Dour submitted additional information in response to certain questions on her license application.

A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR. KOSTINAS TO APPROVE THE LICENSE APPLICATION OF DR. DOUR. A VOTE WAS TAKEN, AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS : PART IV EXAMINATION

Board members discussed who would be available to serve as examiners at the Spring Part IV examination. Drs. Kostinas & Stabile volunteered to serve as examiners on behalf of the State of New Jersey. Dr. Kostinas will make some inquiries with his department concerning his availability.

D. FEDERATION OF CHIROPRACTIC LICENSING BOARDS MID YEAR MEETING

Dr. O'Connor reported on the midyear Board of directors meeting of the Federation of Chiropractic Boards held in Greeley, Colorado. He noted that the Federation will be experiencing some losses of income during the current year due to some consolidations in the insurance industry that will effect income generated from CIN-BAD inquiries. Dr. O'Connor also said he will be running for treasurer of the Federation at the annual session in May.

IV. APPEARANCES

A. SCOTT WHITE, D.C.

This matter was adjourned at the licensees request and will be rescheduled for the February meeting.

B. GREGORY TRENTACOSTA, D.C.

Dr. Trentacosta appeared with counsel, Joseph A. Portelli, Esq. to discuss the possible reinstatement of his license to practice Chiropractic. Dr. Trentacosta was a subject of a Final Consent Order dated January 29, 2004 which actively suspended his license for a minimum period of three years. The Board reviewed certain compliance information and information concerning psychological treatment as well as Dr. Trentacosta's successful completion of the ProBE Ethics course including his final essay. Upon completion of his testimony, the Board went into Executive session to deliberate.

The Board returned to Public session.

A MOTION WAS MADE BY DR. MURPHY, WHICH WAS SECONDED BY DR. STABILE, TO APPROVE DR. TRENTACOSTA'S RETURN TO THE ACTIVE PRACTICE OF CHIROPRACTIC SUBJECT TO THE PAYMENT OF REINSTATEMENT FEES, CURRENT LICENSURE FEES, AND THE SUCCESSFUL COMPLETION OF A CRIMINAL HISTORY BACKGROUND CHECK. A VOTE WAS TAKEN, AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

V. LEGISLATIVE REVIEW: ASSEMBLY BILL 3790

The Board reviewed the statement attached to this Assembly Legislation that would institute certain reforms in the review and processing of health and other insurance claims for physical therapy services. It was noted that the Bill provided that a licensed Physical Therapist shall be "a physician" within the scope of Article 2a of Chapter 9 of Title 45 of the revised Statutes which governs the licensing of Physical Therapists and regulates their practice. The Bill further provides that a Physical Therapist may additionally be referred to as a "Physical Therapist Physician."

The Board expressed concerns that this legislation should not confer the title physician upon physical therapists. In fact a large majority of physical therapists hold either bachelor or masters degrees in physical therapy and have

not been afforded an academic title that would permit them to use the title doctor. In addition, Board members noted that physical therapy training does not have sufficient training in the area of diagnosis to permit such professionals to be called physicians.

A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR. STABILE, TO OPPOSE THIS LEGISLATION FOR THE ABOVE STATED REASONS. A VOTE WAS TAKEN, AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VI. PENDING DISCIPLINARY MATTERS

A. MIHRAN BAKALIAN, D.C.

(Dr. Stabile was recused from the consideration of this matter & left the room) (Deputy Attorney General Hugelmeyer who is prosecuting this matter left the room) Deputy Attorney General Nancy Costello-Miller assisted the Board in counseling on this matter. It was noted that Dr. Bakalian had previously appeared before the Board to answer questions regarding his entry into a Stipulation of Settlement with the Office of the Insurance Fraud Prosecutor and in response to a Provisional Order of Discipline that had been entered on this matter. On the record and at an appearance before the Board on June 15, 2006, Dr. Bakalian agreed to certain conditions which would have been entered in the form of a Consent Order. Various correspondence between counsel for both parties has been exchanged, this matter is placed on the agenda for the Board's final determination and disposition of this matter.

A MOTION WAS MADE BY DR. MURPHY, WHICH WAS SECONDED BY DR. SPADAFINO, TO GO INTO EXECUTIVE SESSION TO CONSIDER THIS MATTER.

UPON RETURNING TO PUBLIC SESSION, THE BOARD NOTED THAT IT HAD CONSIDERED THE WRITTEN RESPONSES SUBMITTED BY SUSAN FRUCHTMAN, ESQ. ON BEHALF OF DR. BAKALIAN AS WELL AS THE RESPONSE SUBMITTED BY DEPUTY ATTORNEY GENERAL HUGELMEYER. A MOTION WAS MADE BY DR. SPADAFINO, WHICH WAS SECONDED BY DR. CALIO, TO ENTER INTO A FINAL ORDER ON THIS MATTER FINDING THAT THE STIPULATION OF SETTLEMENT ENTERED WITH THE OFFICE OF INSURANCE FRAUD PROSECUTOR PROVIDES GROUNDS FOR THE IMPOSITION OF SANCTIONS AGAINST RESPONDENTS LICENSE TO PRACTICE CHIROPRACTIC IN NEW JERSEY PURSUANT TO N.J.S.A. 45:1-21(k). THE ORDER ENTERS A FORMAL REPRIMAND AND REQUIRES THAT RESPONDENT CEASE AND DESIST IN VIOLATIONS OF N.J.S.A. 17:33A-1 ET SEQ. AND / OR VIOLATING OR FAILING TO COMPLY WITH A PROVISION OF ANY ACT ADMINISTERED BY THE BOARD. RESPONDENT SHALL COMPLETE AN D UNCONDITIONALLY PASS WITHIN TWELVE MONTHS OF THE ENTRY OF THE ORDER THE PRoBE OR PRIME ETHICS COURSE AND SHALL PAY COSTS IN THIS MATTER IN THE AMOUNT OF \$436.50 WITHIN THIRTY DAYS OF THE ENTRY OF THE ORDER AND ATTORNEY'S FEES IN THE AMOUNT OF \$1.732.50 TO BE PAID IN SIX INSTALLMENTS. A VOTE WAS TAKEN, AND THE MOTION PASSED WITH SIX MEMBERS VOTING IN FAVOR, NONE OPPOSED AND ONE ABSTENTION.

ADJOURNMENT

A MOTION WAS MADE BY DR. KOSTINAS, WHICH WAS SECONDED BY DR. STABILE, TO GO INTO EXECUTIVE SESSION TO CONSIDER PENDING DISCIPLINARY MATTERS & CONSUMER COMPLAINTS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,
Kevin B. Earle, M.P.H.
Executive Director