

**STATE OF NEW JERSEY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF CHIROPRACTIC EXAMINERS  
124 HALSEY STREET, 6<sup>TH</sup> FLOOR  
SOMERSET ROOM  
NEWARK, NEW JERSEY**

**PUBLIC SESSION MINUTES**

**THURSDAY, JANUARY 28, 2010**

A meeting of the New Jersey Board of Chiropractic Examiners was held January 28, 2010 at the State Office Building, 124 Halsey Street, 6<sup>th</sup> 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 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 11:00 AM (due to weather conditions).

**ATTENDANCE**

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

**EXCUSED:** Dr. Murphy

**ALSO PRESENT:** DAG John Hugelmeyer, Executive Director Jonathan Eisenmenger & Recording Secretary Sonya Liverpool

**I. APPROVAL OF THE PUBLIC SESSION MINUTES OF DECEMBER 17, 2009**

**A MOTION WAS MADE BY DR. KROUSE, WHICH WAS SECONDED BY DR. SPADAFINO, TO APPROVE THE PUBLIC SESSION MINUTES OF THE DECEMBER 17, 2009 MEETING AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.**

**II. EXECUTIVE DIRECTOR'S REPORT**

Executive Director Jonathan Eisenmenger gave a handout to the Board concerning Gordon L. Holman, D.C., former executive director of the National Board of Chiropractic Examiners.

**III. NATIONAL BOARD OF CHIROPRACTORS**

The Chair appointed Dr. Stabile as the NJ Board's delegate, and Dr. O'Connor as the NJ Board's alternate delegate.

**IV. APPLICATIONS FOR LICENSURE**

**A. HENRY ESTRADA, D.C. (INITIAL)**

**A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KROUSE, TO SCHEDULE DR. ESTRADA FOR A FULL BOARD APPEARANCE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.**

**B. MATTHEW CORBO, D.C. (INITIAL)**

**A MOTION WAS MADE BY DR. KROUSE, WHICH WAS SECONDED BY DR. SPADAFINO, TO APPROVE DR. CORBO'S APPLICATION FOR LICENSURE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.**

**V. OPEN DISCIPLINARY MATTERS**

**A. PETER STEINMETZ, D.C.**

The Board reviewed a follow-up report filed by the Professional Assistance Program on January 13, 2010.

**This was accepted as informational.**

**B. SCOTT WHITE, D.C.**

The Board reviewed a follow-up report filed by the Professional Assistance Program on January 13, 2010.

**This was accepted as informational.**

**VI. INQUIRIES**

**A. WILLIAM H. JAMES, D.C.  
(Dr. Rada recused)**

Dr. James is requesting a monetary reduction of his Chiropractic civil penalty.

**A MOTION WAS MADE BY MR. TRAIER, WHICH WAS SECONDED BY DR. KOSTINAS, TO DENY DR. JAMES' REQUEST TO REDUCE THE PENALTY AND TO OFFER HIM A PAYMENT SCHEDULE OF 20% DOWN WITH PAYMENTS MADE WITHIN TWO YEARS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.**

**B. JAMES R. ANLIOT C/O AFFILIATED MONITORS, INC.**

Mr. Anliot is requesting clarification of NJ Regulations on Diagnostic Testing.

**A MOTION WAS MADE BY DR. KROUSE, WHICH WAS SECONDED BY DR. O'CONNOR, TO RESPOND TO MR. ANLIOT THAT A CERTIFICATE IS REQUIRED FOR THOSE TESTS THAT ARE LISTED ON THE APPLICATION (NCVS, BAEP, SSEP, BEP, AEP, VIDEO FLUOROSCOPY AND THERMOGRAPHY (WITH CONDITIONS)). A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.**

**C. FRANK G. BELVERIO, D.C.**

Dr. Belverio is requesting clarification regarding the retention of sign-in sheets.

**A MOTION WAS MADE BY DR. KROUSE, WHICH WAS SECONDED BY MR. TRAIER, TO RESPOND TO DR. BELVERIO THAT THE PATIENT RECORD REGULATIONS DO NOT SPECIFICALLY REQUIRE THAT SIGN-IN SHEETS BE RETAINED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH EIGHT MEMBERS PRESENT VOTING IN FAVOR AND ONE ABSTENTION (DR. RADA).**

**D. CHARLES JANOUSEK**

Mr. Janousek poses a question regarding whether a chiropractor needs an active license in order to own a chiropractic facility.

**A MOTION WAS MADE BY DR. O'CONNOR , WHICH WAS SECONDED BY DR. KROUSE, TO RESPOND TO MR. JANOUSEK'S INQUIRY 'YES, ALL CHIROPRACTORS WISHING TO OWN A CHIROPRACTIC PRACTICE MUST HAVE AN ACTIVE LICENSE. IF THE CHIROPRACTOR'S LICENSE LAPSED (EXPIRED), YOU MAY NOT OWN A PRACTICE PURSUANT TO N.J.S.A.13: 44-2.15 PRACTICE STRUCTURES. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.**

**V. DISCIPLINARY MATTERS**

**A. ANTHONY MARSH, D.C.**

**This was accepted as informational.**

**B. CHARLES FERRANTE, D.C.**

**This was accepted as informational.**

**C. ROBERT VALINOTI, D.C.**

**This was accepted as informational.**

**D. DAVID HARRIS, D.C.**

**This was accepted as informational.**

**HANDOUT**

A memorandum of Executive Director Jonathan Eisenmenger concerning the need to adjust the Board's online orientation program and jurisprudence examination in light of the recent change to the Board's statute. The Board approved the E.D.'s recommendation to remove the orientation section titled "Scope of Practice" but to include the Scope of Practice section of the JP Exam with whatever questions remain valid according to the current statutes and regulations.

Discussion about contacting colleges and universities concerning their nutritional programs and courses they offer to chiropractors and chiropractic students. The Board office will contact these schools to request information.

## **NEW BUSINESS**

FCLB Model Practice Act - definition of “chiropractic” and the “practice of chiropractic”

### **Discussion about the new statute**

Steven Clarke, ANJC - the association has information from all of the schools concerning nutrition programs. He stated that Palmer College provides 45 hours of nutrition in their chiropractic curriculum, and all the other schools provide their students more than that. The Association will provide the Board office with all of this information.

Dr. Stabile directed the Rules and Regulations committee to review the new statute to identify the areas that need to be addressed with new regulations. He suggested that the committee chair designate sub-committees of 2 or 3 Board members to look at specific sections of the new law and make recommendations to the full committee. These areas include nutrition, scope of practice, malpractice insurance and continuing education.

There was a discussion about what chiropractors can currently do in terms of selling or dispensing nutritional supplements. DAG Hugelmeyer counseled the Board that at this moment, there are no Board-approved programs in nutrition, and therefore practitioners should not be selling or dispensing until the Board approves programs. He suggested that the Board begin to review information from the chiropractic colleges that have been approved for licensure as a starting point. Dr. Spadafino said that the statute says that practitioners have to have 45 hours and then they can do it. DAG Hugelmeyer cited the statute that it also says the program must be approved by the Board, and the quickest way to address this issue is to create a list of nutritional programs that the Board has approved.

**A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR. KROUSE, THAT THE BOARD RESOLVES THAT IF A LICENSED CHIROPRACTOR GRADUATED FROM AN APPROVED AND ACCREDITED CHIROPRACTIC COLLEGE, AND SUCCESSFULLY COMPLETED AT LEAST 45 HOURS IN NUTRITION DURING THE COURSE OF THEIR STUDY, THEY MAY DISPENSE, SELL, OR PROVIDE NUTRITIONAL SUPPLEMENTS AND NUTRITIONAL COUNSELING UNTIL REGULATIONS MAY BE PROMULGATED BY THE BOARD. THE LICENSEE MUST BE ABLE TO VERIFY THEIR EDUCATIONAL CREDENTIALS UPON REQUEST. A VOTE WAS TAKEN AND THE MOTION PASSED WITH SEVEN MEMBERS PRESENT VOTING IN FAVOR AND TWO ABSTENTIONS (DRS.' RADA & KOSTINAS).**

Joe Garolis, D.C. - informed the Board that insurance carriers are stating that chiropractors are not permitted to perform electrodiagnostic tests. The Board will forward a copy of the Explanation of Benefits to the Department of Banking and Insurance.

## **ADJOURNMENT**

**A MOTION WAS MADE BY MR. TRAIER, WHICH WAS SECONDED BY DR. SPADAFINO, TO GO INTO EXECUTIVE SESSION TO CONSIDER TWO PIC SUMMARIES, FOUR CONSUMER COMPLAINTS, THREE REFERRALS FROM OTHER AGENCIES AND ONE MISCELLANEOUS MATTER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.**

Respectfully Submitted,

Jonathan Eisenmenger  
Executive Director

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