

**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, FEBRUARY 16, 2006**

A meeting of the New Jersey Board of Chiropractic Examiners which was held on February 16, 2006 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 Murphy, D.C., President of the Board at 9:40 AM.

ATTENDANCE

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

EXCUSED: Dr. Senatore, and Mr. Faulkner

ALSO PRESENT: DAG John Hugelmeyer, Executive Director Kevin Earle, Venus Hall, Government Representative and recording secretary Sonya Liverpool.

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF JANUARY 19, 2006

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. KOSTINAS, TO APPROVE THE PUBLIC SESSION MINUTES OF JANUARY 19, 2006. A VOTE WAS TAKEN AND THE MOTION PASSED WITH EIGHT MEMBERS VOTING IN FAVOR, NONE OPPOSED, AND ONE ABSTENTION BY DR. O'CONNOR WHO WAS ATTENDING THE FCLB DISTRICT MEETING AT THE TIME OF THE JANUARY MEETING.

II. OLD BUSINESS

A. FEDERATION OF CHIROPRACTIC LICENSING BOARDS - PACE POLICIES AND PROCEDURES

The Board reviewed the final approved policies and procedures for the FCLB - PACE Program which was approved by the FCLB Board of Directors at their January meeting.

This was accepted as informational.

B. SUNSET OF BOARD REGULATIONS - CLARIFICATION

Regulatory Analysts Patty Schirippo appeared before the Board to discuss the inclusion of language in the Sunset Proposal relating to renewal and reinstatement procedures. Some discussion ensued about the requirement to complete "an examination" when an individual has been out of practice for a period of more than five years. The Board discussed the use of the Special Purposes Examination in Chiropractic SPEC offered by the National Board of Chiropractic Examiners. It was explained that the SPEC examination was designed for this very purpose.

A MOTION WAS MADE BY DR. KOSTINAS WHICH WAS SECONDED BY DR. O'CONNOR TO APPROVE THE INCLUSION OF THE DRAFT LANGUAGE PRESENTED TO THE BOARD WITH THE

REQUIREMENT THAT AN INDIVIDUAL WHO HAS BEEN EXPIRED FOR A PERIOD OF FIVE YEARS OR MORE AND NOT PRACTICING IN ANY OTHER JURISDICTION, OR IF AN INDIVIDUAL HAS BEEN SUSPENDED FOR A PERIOD OF FIVE YEARS, THAT SUCH INDIVIDUAL SHOULD BE REQUIRED TO SUCCESSFULLY COMPLETE THE SPEC EXAMINATION. VOTE WAS TAKEN WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

III. NEW BUSINESS

A. FCLB MEETING OF THE BOARD OF DIRECTORS

Dr. O'Connor made a brief report following his attendance at the January meeting of the FCLB Board of Directors.

B. FCLB APPOINTMENT OF VOTING DELEGATES IN ALTERNATES

Dr. Murphy appointed Dr. Larry O'Connor to serve as the voting delegate at the FCLB annual meeting which is to be held from May 4th to the 6th, 2006 in Portland, Oregon. Dr. Stabile will serve as the alternate delegate.

C. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS NOTICE OF ANNUAL BUSINESS MEETING

Dr. Murphy appointed Dr. Mary Ellen Rada to serve as the delegate to the NBCE annual meeting which is to be held on Friday, May 5, 2006 in Portland, Oregon. Dr. O'Connor will serve as the alternate delegation.

D. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS - PART IV EXAMINATION AND TEST COMMITTEE MEETINGS

The Board reviewed a notice from Dr. Paul Townsend reporting that the Part IV examinations will be held on May 19th to the 21st, 2006 and November 10th to the 12th, 2006. The interest of board members to serve as examiners was solicited by Dr. Murphy. Dr. Stabile and Dr. O'Connor offered to participate in the May exam. Dr. Krouse and Dr. Kostinas will participate in the November examination.

Dr. Murphy also appointed Dr. Albert Stabile to serve as a member of the Part IV test committee which will meet in Greeley, Colorado, on June 16th to the 17th, 2006.

E. AFFILIATED MONITORS INC.

The Board heard a presentation from Vincent L. DiCianni, a representative of Affiliated Monitors Inc. Mr. DiCianni described the various services offered by their company to include various monitoring and compliance activities that can be offered to licensing boards as a part of their disciplinary compliance activities. The Board also reviewed materials including contracts, compliance reports, and agreements. Mr. DiCianni reported that his company is now providing services in approximately ten different States.

F. MISCELLANEOUS INQUIRIES

1. Kevin F. Dempsey, D.C.

Dr. Dempsey has inquired as to the Board's view on offering patients a "time of service" fee schedule. Dr. Dempsey indicates that he is a participating Medicare member and notes that certain physical modalities are not covered services under Medicare. He questions whether Medicare patients, if given advance beneficiary notice, and they are told that there is no "interaction with the insurance company" can he bill them a lower rate versus the rate charged to insurance carriers. For example, Dr. Dempsey indicated that a hot pack was regularly billed at twenty dollars. If the patient used a time of service fee schedule they would pay only five dollars.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY DR. STABILE TO REPLY TO DR. DEMPSEY THAT THE BOARD IS NOT IN A POSITION TO RESPOND TO THIS INQUIRY. SUCH AN

INQUIRY SHOULD BE DIRECTED TO THE MEDICARE PROGRAM. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

2. Keith G. Schnappauf, D.C.

Dr. Schnappauf made various inquiries with respect to the offering of medical services in his office. The Board opined that there was insufficient information of Dr. Schnappauf's inquiry to effectively respond to his inquiry. Dr. Schnappauf should be referred to the professional practice structures regulations of the Board of Medical Examiners for guidance on this issue.

3. American Clinical Board of Nutrition

The Board reviewed an announcement that the American Clinical Board of Nutrition has received full accreditation status by the National Commission for Certifying Agencies. This was accepted as informational.

IV. ENDORSEMENT APPLICATIONS

A. Joseph A. Barber, D.C.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY DR. O'CONNOR TO ACCEPT DR. BARBER'S APPLICATION FOR LICENSURE BY ENDORSEMENT, SUBJECT TO THE SUCCESSFUL COMPLETION OF THE JURISPRUDENCE EXAMINATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. Glenn T. Bogdon, D.C.

The Board reviewed information in connection with Dr. Bogdon's application for licensure by endorsement. Specifically the Board was directed to information which indicated that Dr. Bogdon may be in significantly in arrears for child support. Deputy Attorney General John Hugelmeyer advised the Board that the statute does not permit the Board to issue a license to any individual who is more than six months in arrears on child support.

A MOTION WAS MADE BY DR. STABILE WHICH WAS SECONDED BY DR. O'CONNOR TO DENY THE APPLICATION AND INFORM DR. BOGDON THAT HIS LICENSE APPLICATION WILL BE RECONSIDERED WHEN HE PRODUCES EVIDENCE THAT HE HAS PAID OFF THE CHILD SUPPORT ARREARAGE TO AN AMOUNT LESS THAN THE SIX MONTH THRESHOLD SET FORTH IN THE STATUTE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. Glenn Berman, D.C.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. STABILE, TO APPROVE DR. BERMAN'S APPLICATION FOR LICENSURE BY ENDORSEMENT, SUBJECT TO THE SUCCESSFUL COMPLETION OF THE JURISPRUDENCE EXAMINATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

V. APPEARANCES

IN THE MATTER OF REINSTATEMENT OF NICHOLAS SOTTIRIOU, D.C., VICKI ARIANS, ESQ., ON BEHALF OF THE RESPONDENT

Dr. Sottiriou was the subject of a Final Decision and Order dated August 11, 1999. On September 20, 2005 the Board received a letter from E. Vicki Arians, Esq., on behalf of Dr. Sottiriou, which proposed that an interim order be entered permitting Dr. Sottiriou be permitted to have some employed role in a chiropractic office, and to perform whatever functions would be permissible for an unlicensed assistant. At its October 20, 2005 meeting the Board voted to offer Dr. Sottiriou an opportunity to appear before the Board to discuss his present activities and

the conditions of his reinstatement. Dr. Sottirious' license is presently revoked. Dr. Sottiriou was sworn by the court reporter and was questioned by Deputy Attorney General Hugelmeyer. The conditions of the Board's order as well as the conditions of the conviction entered in U.S. District Court were discussed. Deputy Hugelmeyer asked whether Dr. Sottiriou had made restitution to the various insurance carriers, as required by the judgment of conviction. Dr. Sottiriou was unclear on the amounts paid to the various insurance carriers and further indicated that he "walked away" from the various receivables that he believed were due and owing from various insurance carriers. Dr. Sottiriou was further questioned as to whether or not he had made any attempt to pay the penalties imposed by virtue of the Boards August 1999 Order, which are in the amount of \$42,500.00. Dr. Sottiriou indicated that he had not made any payment towards those fines and penalties. Indicated that he is currently working doing paving and masonry, and had worked for a time in the medical supply business. He has attempted to take the SPEC examination on two occasions without success.

Upon conclusion of his testimony and a final statement by Ms. Arians, Dr. Sottiriou was requested to provide documentation reconstructing the restitution paid to the various insurance carriers pursuant to the judgment of conviction.

THE APPEARANCE WAS ADJOURNED AND A MOTION WAS MADE BY DR. KOSTINAS WHICH WAS SECONDED BY DR. KROUSE TO GO INTO EXECUTIVE SESSION TO DELIBERATE.

UPON RETURNING TO PUBLIC SESSION A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY DR. KOSTINAS, TO DENY DR. SOTTIRIOU'S REQUEST TO BE EMPLOYED IN AN CHIROPRACTIC OFFICE AND TO PROVIDE COPIES TO MS. ARIANS OF ALL CORRESPONDENCE THAT HAD BEEN DIRECTED TO DR. SOTTIRIOU'S FORMER ATTORNEY, SPECIFICALLY INDICATING THAT DR. SOTTIRIOU WOULD BE REQUIRED TO TAKE THE SPEC EXAMINATION AND TO AT LEAST MAKE A SUBSTANTIAL DOWN PAYMENT TOWARD THE FINES AND PENALTIES AND MAKE AN ARRANGEMENT TO PAY OFF THE BALANCE OF THE FINES AND PENALTIES BEFORE THE BOARD WOULD CONSIDER HIS REINSTATEMENT TO THE ACTIVE PRACTICE OF CHIROPRACTIC IN NEW JERSEY. THE VOTE WAS TAKEN THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

V. ADJOURNMENT

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. KROUSE TO GO INTO EXECUTIVE SESSION TO CONSIDER PENDING DISCIPLINARY MATTERS AND INVESTIGATIVE REPORTS. 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