

**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, MARCH 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 9:30 AM.

ATTENDANCE

PRESENT: Drs. Atkisson, Krouse, Kostinas, Calio, Murphy, Senatore, Rada, and Mr. Faulkner and Mr. Traier

EXCUSED: Drs. Stabile and O'Connor

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 FEBRUARY 16, 2006

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. KOSTINAS, TO APPROVE THE PUBLIC SESSION MINUTES OF FEBRUARY 16, 2006 AS AMENDED. A VOTE WAS TAKEN, AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. NOMINATIONS FOR OFFICERS

DR. MURPHY OPENED NOMINATIONS FOR OFFICERS FOR THE 2006-2007 PERIOD. ELECTIONS WILL BE HELD AT THE BOARD'S MEETING ON APRIL 20, 2006.

President

A MOTION WAS MADE BY DR. KOSTINAS, WHICH WAS SECONDED BY DR. RADA ,TO NOMINATE DR. LAWRENCE O'CONNOR FOR PRESIDENT.

A MOTION WAS MADE BY DR. CALIO , WHICH WAS SECONDED BY DR. KOSTINAS, TO NOMINATE DR. JOSEPH MURPHY AS PRESIDENT.

THE NOMINATIONS WERE CLOSED.

Vice President

A MOTION WAS MADE BY DR. SENATORE, WHICH WAS SECONDED BY DR. ATKISSON, TO NOMINATE DR. ROSEMARY CALIO FOR VICE PRESIDENT.

A MOTION WAS MADE BY DR. ATKISSON, WHICH WAS SECONDED BY DR. KOSTINAS, TO NOMINATE DR. JOSEPH MURPHY AS VICE PRESIDENT.

THE NOMINATIONS WERE CLOSED.

Secretary

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. SENATORE, TO NOMINATE DR. MICHAEL KROUSE AS SECRETARY.

THE NOMINATIONS WERE CLOSED.

Treasurer

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. SENATORE TO NOMINATE DR. JAMES KOSTINAS AS TREASURER.

THE NOMINATIONS WERE CLOSED.

III. OLD BUSINESS

A. PROPOSED REGULATIONS: SUNSET-REINSTATEMENT

Regulatory Analyst Patricia Schirippo has requested a clarification of the provisions for reinstatement of licenses that have expired for less than five years. Deputy Director Miragliotta had questioned whether the Board would consider a requirement to complete continuing education for licensees falling into this category.

The Board noted that continuing education is not currently a requirement for renewal of a license in New Jersey.

A MOTION WAS MADE BY DR. ATKISSON, WHICH WAS SECONDED BY DR. RADA, TO LEAVE THE LANGUAGE AS ORIGINALLY PROPOSED. NO CONTINUING EDUCATION SHOULD BE REQUIRED FOR INDIVIDUALS WHO HAVE FAILED TO RENEW FOR A PERIOD OF LESS THAN FIVE YEARS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. OTTAVIO G. NEPA, D.C.

The Board reviewed correspondence from Ronald S. Fava, Esq., on behalf of Dr. Nepa, inquiring whether Dr. Nepa needs to complete any conditions, as his period of probation will be expiring on March 17, 2006. Dr. Nepa has successfully completed the ProBE ETHICS course and remitted the civil penalty and costs of investigation, as required by the Order.

Upon review of the Consent Order, it was found that there is no requirement for an appearance prior to full reinstatement and the expiration of probation. The administrative office should notify Mr. Fava of the Board's determination.

C. DAVID HOROWITZ, D.C.

The Board reviewed a report of the completion of the ProBE Ethics course, which was completed on January 20-22, 2006. Dr. Horowitz's final essay was reviewed by the Board.

This was accepted as informational.

IV. NEW BUSINESS

A. FISCAL YEAR 2006 BUDGET REPORT

The Board reviewed the mid period Budget Report submitted by the Division of Consumer Affairs administration. Executive Director Earle noted that the Division reports that the Budget is "Tight." This would

seem to indicate that a fee increase might be required with the 2007 renewal. Executive Director Earle reminded the Board that no fee increase had been imposed since 1998.

Some discussion ensued regarding the matter of penalties. It was suggested that a committee be appointed to review the various categories of offenses considered by the Board and to develop some guidelines for fines and penalties in the future. In addition some questions were raised with regard to how costs were accounted for in the Budget. Executive Director Earle will make inquiry with regard to this matter.

A MOTION WAS MADE BY DR. ATKISSON, WHICH WAS SECONDED BY DR. SENATORE, TO AUTHORIZE THE FORMATION OF AN AD-HOC COMMITTEE ON FINANCE TO REVIEW THE ISSUES NOTED ABOVE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Dr. Murphy appointed Dr. Krouse to chair the committee to include Drs. Rada, Calio and Atkisson.

B. DIVISION OF LAW BILLING

This was accepted as informational.

C. APPLICATIONS

1. Thomas M. Cawley, D.C. - Electrodiagnostic Permit

A MOTION WAS MADE BY DR. ATKISSON, WHICH WAS SECONDED BY DR. CALIO, TO APPROVE THIS PERMIT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

2. Matthew John Marsteller

A MOTION WAS MADE BY DR. KROUSE, WHICH WAS SECONDED BY DR. RADA, TO APPROVE DR. MARSTELLER'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.

3. Robert Rosania, D.C.

(Dr. Senatore was recused from this matter)

The Board reviewed the license application for the noted chiropractor. Dr. Rosania revealed two issues relating to arrests.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. KOSTINAS, TO REQUIRE DR. ROSANIA'S APPEARANCE BEFORE THE BOARD AT ITS NEXT MEETING TO DISCUSS THE ISSUES RAISED ON HIS APPLICATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

4. Thomas A. Butti, D.C.

The Board reviewed an application for reinstatement from the above referenced Chiropractor. Dr. Butti did not present the performance of a Criminal History Background check. However, it was revealed that Dr. Butti is currently revoked in the state of New York based upon a conviction of Grand Larceny in the second degree; Insurance Fraud in the second degree; and attempted Grand Larceny in the third degree. In connection with that conviction, Dr. Butti was sentenced to a term of incarceration from September 5, 1997 to April 18, 2005.

It was determined that the Board would not be in a position to reinstate Dr. Butti's license until such time as he had been reinstated in the state of New York. Executive Director Earle will communicate with Dr. Butti

regarding this matter.

Adjournment

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. KOSTINAS, TO GO INTO EXECUTIVE SESSION TO CONSIDER PENDING INVESTIGATIONS AND 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