

**State of New Jersey  
Division of Consumer Affairs  
Board of Chiropractic Examiners**

**Public Session Minutes**

**March 18, 2004**

A meeting of the New Jersey Board of Chiropractic Examiners was held on March 18, 2004 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 Mary- Ellen Rada, D.C., President of the Board at 10:00 AM.

**ATTENDANCE**

**PRESENT:**

Drs. Atkisson, Calio, Louro, Murphy, O'Connor, Rada, Senatore, Stabile, Mr. Faulkner and Mr. Traier

**ALSO PRESENT:**

Deputy Attorney General Hugelmeyer, Executive Director Earle, Paralegal Joshua Marzan, Recording Secretary Nina Lado, Assistant to the Executive Director Terri Goldberg

**I. APPROVAL OF THE PUBLIC SESSION MINUTES OF FEBRUARY 26, 2004.**

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. STABILE TO APPROVE THE PUBLIC SESSION MINUTES OF FEBRUARY 26, 2004. AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH NINE MEMBERS VOTING IN FAVOR. MR. TRAIER ABSTAINED FROM THE VOTE ON THIS MATTER.

**II. NOMINATIONS FOR BOARD OFFICERS FOR 2004-2005 PERIOD. ELECTIONS WILL BE HELD AT THE APRIL MEETING.**

**SECRETARY**

A MOTION WAS MADE BY DR. LOURO WHICH WAS SECONDED BY DR. STABILE TO NOMINATE DR. LAWRENCE O'CONNOR AS SECRETARY. THERE WERE NO OTHER NOMINATIONS.

**TREASURER**

A MOTION WAS MADE BY DR. STABILE WHICH WAS SECONDED BY DR. SENATORE TO NOMINATE DR. JOSEPH MURPHY AS TREASURER. THERE WERE NO OTHER NOMINATIONS.

**VICE-PRESIDENT**

A MOTION WAS MADE BY DR. SENATORE WHICH WAS SECONDED BY MR. TRAIER TO NOMINATE DR. JOSEPH LOURO AS VICE-PRESIDENT. THERE WERE NO OTHER NOMINATIONS.

**PRESIDENT**

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. CALIO TO NOMINATE DR. THOMAS SENATORE AS PRESIDENT.

A MOTION WAS MADE BY MR. TRAIER WHICH WAS SECONDED BY DR. STABILE TO CLOSE NOMINATIONS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

### **III. OLD BUSINESS**

#### **A. PETITION FOR RULEMAKING NEEDLE EMGS**

The Board reviewed a copy of a Notice of Action of Petition for Rulemaking which will appear in the New Jersey Register. A copy of the Notice of Action has been sent to the petitioner.

THIS WAS ACCEPTED AS INFORMATIONAL

#### **B. NOTICE OF ACTION OF PETITION FOR RULEMAKING REFERRAL OF PATIENTS TO PHYSICAL THERAPISTS**

The Board reviewed a copy of a Notice which will appear in the New Jersey Register notifying the petitioner of the action taken by the Board of Chiropractic Examiners at its January 2004 meeting. A Notice of Action has been provided to the petitioner.

THIS WAS ACCEPTED AS INFORMATIONAL.

#### **C. RICHARD D. COLLINS, D.C.**

The Board reviewed information submitted by Dr. Collins concerning the continuing education requirements he has undertaken pursuant to a settlement letter entered on September 19, 2003.

After reviewing this material, it was determined that Dr. Collins should be called to appear before the next Board meeting to provide all information regarding courses he has taken since the entry of the settlement letter referenced above.

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. LOURO TO REQUIRE DR. COLLINS APPEARANCE AT THE NEXT BOARD MEETING. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

### **IV. REQUEST FOR REINSTATEMENT**

#### **A. NICHOLAS J. SITTIRIOU, D.C.**

On August 11, 1999 a Final Decision and Order was entered in the above captioned matter based upon respondents conviction on Federal Criminal charges and his sentencing on those charges. The Order revoked Dr. Sittiriou's license to practice chiropractic and levied a fine in the amount of \$42,500 and costs of \$824.50. The Order required that respondent must supply written documentation of full satisfaction of the restitution owed pursuant to the written conviction and evidence that all conditions of the Judgement of Conviction are met. No payments have been made toward the penalties and costs levied in this matter. The Board reviewed correspondence received from Robert J. Conroy, Esq. on behalf of Dr. Sittiriou seeking the Board's guidance as to what steps would need to be taken in order to pursue reinstatement of Dr. Sittiriou's license to practice chiropractic in New Jersey.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. SENATORE TO REQUEST THAT DR. SITTIRIOU PROVIDE WRITTEN PROOF THAT ALL OTHER REQUIREMENTS OF HIS CONVICTION AND PROBATION HAVE BEEN MET. FURTHER, COUNSEL'S LETTER ON BEHALF

OF DR. SITTIRIOU INDICATES THAT THE TERMS OF PROBATION HAVE BEEN CHANGED BY THE FEDERAL DISTRICT COURT JUDGE. EVIDENCE OF SAME SHOULD BE PROVIDED. DR. SITTIRIOU SHOULD PROVIDE PAYMENT TOWARD THE PENALTIES AND COSTS AND SHOULD BE REQUIRED TO COMPLETE THE SPECIAL PURPOSES EXAMINATION IN CHIROPRACTIC OFFERED BY THE NATIONAL BOARD OF CHIROPRACTIC EXAMINERS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

#### **B. GEORGE P. NAJEMIAN, D.C.**

On August 4, 2003 an Administrative Action/Complaint was filed in the above captioned matter citing violations of Board's Uniform Regulations on Duty to Cooperate on N.J.A.C. 13:45C-1.2 and deeming the conduct to be professional or occupational conduct within the meaning of N.J.S.A. 45:1-21(e). The Complaint sought entry of an Order suspending or revoking Dr. Najemian's license to practice and imposing civil penalties and costs. On February 23, 2004, Pamela Mandel, Esq. on behalf of Dr. Najemian, submitted a letter requesting that the pending Complaint be referred to the Office of Administrative Law for a Hearing. A response has been received from Deputy Attorney General Matthews objecting to this course of action and urging the Board to schedule a hearing date before the Board as soon as possible.

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. SENATORE TO DENY THE REQUEST FOR REFERRAL TO THE OFFICE OF ADMINISTRATIVE LAW AND TO RETAIN JURISDICTION OF THE BOARD ON THIS MATTER. A HEARING ON THE PENDING COMPLAINT SHALL BE CONDUCTED AT THE MAY 20, 2004 MEETING. NOTICE WILL BE SUPPLIED TO BOTH PARTIES ON THIS MATTER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

#### **V. DISCIPLINARY MATTERS**

IMO THE SUSPENSION AND/OR REVOCATION OF THE LICENSE OF WILLIAM F. ITTNER, D.C.

A MOTION WAS MADE BY DR. SENATORE WHICH WAS SECONDED BY DR. CALIO TO GO INTO EXECUTIVE SESSION FOR THE PRESENTATION OF AN OFFER OF SETTLEMENT ON THIS MATTER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

UPON RETURNING TO OPEN SESSION, A MOTION WAS MADE BY DR. LOURO WHICH WAS SECONDED BY DR. O'CONNOR TO APPROVE A CONSENT ORDER WHICH WOULD IMPOSE A FIVE YEAR SUSPENSION WITH EIGHTEEN MONTHS ACTIVE AND THE REMAINDER TO SERVE AS A PERIOD OF PROBATION. THE PAYMENT OF PENALTY OF A \$5,000 CIVIL PENALTY AND \$6,752 FOR REIMBURSEMENT OF INVESTIGATIVE COSTS. RESPONDENT SHALL REIMBURSE AIG CLAIM SERVICES A TOTAL OF \$2,520. DR. ITTNER IS ALSO REQUIRED TO COMPLETE 100 HOURS OF CONTINUING CHIROPRACTIC EDUCATION CLASSES AND AN ETHICS COURSE. HE SHALL ALSO COMPLETE THE SPECIAL PURPOSES EXAMINATION IN CHIROPRACTIC UPON COMPLETION OF THE CONTINUING EDUCATION, DR. ITTNER WILL ADMIT TO THE USE OF A RUNNER AND WILL PLEAD NO CONTEST TO THE OTHER ALLEGATIONS FILED IN THE COMPLAINT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

#### **VI. ENDORSEMENTS**

##### **STEVEN R. HOODY, D.C.**

Dr. Hoody is a 1984 graduate of New York Chiropractic College. His license is in good standing in the State of New York and there is no record of any action by any other State.

A MOTION WAS MADE BY DR. CALIO WHICH WAS SECONDED BY DR. O'CONNOR TO APPROVE DR. HOODY 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.

## **VII. INFORMATIONAL**

### **A. COUNCIL ON CHIROPRACTIC EDUCATION**

The Board reviewed an election announcement for the position of CCE Board of Directors in the category of member representative of the general public.

THIS WAS ACCEPTED AS INFORMATIONAL.

### **B. MINI PROBE**

Drs. Rada, O'Connor and Calio along with Executive Director Earle reported on the results of the mini-probe course which was offered on March 12-13, 2004 at the Rutgers Conference Center by representatives of the Ethics Group, LLC. Several representatives of other licensing Boards attended the ProBE session. Participants were very enthusiastic about the program.

### **C. PUBLIC COMMENT**

Dr. Joseph Tuzzio representing the Association of New Jersey Chiropractors reported to the Board of the formation of this Association which is a merger of several independent associations of chiropractic in the State. He noted a number of initiatives in which the Association will be interested in the next year and offered the Associations willingness to cooperate with the Board on some of these initiatives.

## **ADJOURNMENT**

A MOTION WAS MADE BY DR. SENATORE WHICH WAS SECONDED BY DR. O'CONNOR TO GO INTO EXECUTIVE SESSION FOR THE CONSIDERATION OF PENDING DISCIPLINARY MATTERS AND CONSUMER COMPLAINTS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Kevin B. Earle, Executive Director

---