

**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 24, 2011

A meeting of the New Jersey Board of Chiropractic Examiners was held March 24, 2011 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 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 Michael B. Krouse, D.C., President of the Board, at 9:30 A.M..

ATTENDANCE

PRESENT: Drs.' Allen, Calio (arrived at 9:55am), Krouse, O'Connor, Senatore (arrived at 10:00am), Spadafino, Stabile and Winters

EXCUSED: Mr. Traier

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

DAG John Hugelmeyer administered the oath of office to Dr. James Allen.

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF FEBRUARY 24, 2011 & JANUARY 27, 2011

*****NOTE*** The meeting scheduled for January 27, 2011 was canceled due to inclement weather. All matters listed on the agenda were tabled and reviewed during the meeting held on February 24, 2011.**

A motion was made by Dr. Stabile, which was seconded by Dr. Winters, to approve the public session minutes of the January 27, 2011 meeting as amended. A vote was taken and the motion passed with all members present voting in favor.

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, to approve the public session minutes of the February 24, 2011 meeting as amended. A vote was taken and the motion passed with all members present voting in favor.

II. EXECUTIVE DIRECTOR'S REPORT

A. BILL COMMENT FOR S617

The Board had no comment on this bill.

B. D'YOUVILLE COLLEGE

The Board reviewed requested information.

Pursuant to statute/regulation, the Board must approve an accredited school in order for their graduates to apply for and receive licensure in New Jersey. Dr. O'Connor will review the materials and make recommendations to the Board.

- * **Executive Director Eisenmenger reported that to date in March, the Board office received 10 applications and issued 21 licenses/permits.**

III. REPORT FROM THE C.E. COMMITTEE

The Board reviewed a report from the continuing education committee meeting.

A motion was made by Dr. O'Connor, which was seconded by Dr. Allen, to approve the recommendations of the committee, including the modifications taken by the Board at this meeting. A vote was taken and the motion passed with all members present voting in favor.

Statement from Mr. Richard Luthman, Esq., requesting advice from the Board about the status of the regulatory proposal as it pertains to continuing education credits.

The Board received an update from DAG Hugelmeyer that the regulatory proposal is currently under legal review. Any positions about the proposal taken by private parties are private opinions, and they may differ as people do from time to time.

Vincent Butacci, Esq., provided an account of what the Association of New Jersey Chiropractors has told its members pertaining to the statutory requirement to complete continuing education.

IV. THE COUNCIL ON CHIROPRACTIC EDUCATION

The Council on Chiropractic Education provided notice of changes to its policies and procedures. Dr. O'Connor provided an update on these developments. Changes include amendments to the prerequisites for applicants to chiropractic programs, and also prescription of specific requirements about the curriculum.

This was received as information only.

V. FEDERATION OF CHIROPRACTIC LICENSING BOARDS

- A. 2011 FCLB Bylaws Amendments - This was received as informational.**

VI. NOMINATIONS FOR BOARD OFFICERS

President

Dr. Stabile nominated Dr. O'Connor, which was seconded by Dr. Winters
Dr. Spadafino nominated Dr. Calio, which was seconded by Dr. Krouse

Vice President

Dr. O'Connor nominated Dr. Stabile, which was seconded by Dr. Senatore

Secretary

Dr. Winters by nominated Dr. Stabile, which was seconded by Dr. O'Connor

Treasurer

Dr. Allen nominated Dr. Stabile, which was seconded by Dr. Senatore

Nominations were closed.

VII. INQUIRES

A. RICHARD T. MASSARELLI, D.C.

Dr. Massarelli teaches biological science at Union High School. He is requesting that CE credits he has received as a teacher be applied for his requirement to complete continuing education as a chiropractor.

A motion was made by Dr. O'Connor, which was seconded by Dr. Winters, to refer this matter to the CE Committee for recommendations. A vote was taken and the motion passed with all members present voting in favor.

B. ROBERT BISCHOFF, D.C.

Request for the Board's position on whether performing laser therapy for smoking cessation is within the scope of practice of a chiropractor.

A motion was made by Dr. O'Connor, which was seconded by Dr. Winters, to send Dr. Bischoff a letter that this request is not within the scope of practice. A vote was taken and the motion passed with all members present voting in favor.

C. CARLEEN THUM, D.C.

Request for clarification about the statutory requirement to complete 45 hours of nutritional education.

A motion was made by Dr. Senatore, which was seconded by Dr. Allen, that the Board will request that she submit her transcripts in order to verify that her education in the chiropractic college fulfills the requirement. The Board also reminds her that if she uses the title “Doctor” or “Dr.” she must always use the qualifier that she is a chiropractor. A vote was taken and the motion passed with all members present voting in favor.

D. DENNIS KEENAN, D.C.

GARDEN STATE CHIROPRACTIC SOCIETY

Dr. Keenan requests clarification on continuing education requirements.

The Executive Director has submitted FAQ’s to be approved by the Division of Consumer Affairs to be mailed to all NJ Chiropractic licensees. He will send this information to Dr. Keenan after it is approved.

HANDOUT

E. Guy Annunziata, DC Hours

Dr. Annunziata inquired about the length of approval regarding online courses.

A motion was made by Dr. Calio, which was seconded by Dr. Stabile, to refer this matter to the CE committee for discussion. A vote was taken and the motion passed with all members present voting in favor.

F. Healing Hands

Inquiry about providing a gift to a patient for referring other patients.

A motion was made by Dr. Stabile, which was seconded by Dr. Spadafino, to send a letter stating that the Board does not have a regulation that defines what a nominal gift is, but it should be a matter of common sense. The chiropractor will be referred to N.J.A.C. 13:44E-2, which states that it is professional misconduct to pay, offer to pay, or receive a fee or other form of compensation for referral of a patient. A vote was taken and the motion passed with all members present voting in favor.

VIII. OPEN DISCIPLINARY MATTERS

A. MICHAEL J. HOROWITZ, D.C.

The Board reviewed a Final Order filed by the Board on March 7, 2011.
This was received as informational.

B. JASON MITTLEMAN, D.C.

The Board reviewed a Final Decision & Order on Default.
This matter was adjourned until next month.

C. ALLAN R. SPAGNARDI, D.C.

The Board reviewed an Order of Summary Suspension filed by the Board on March 10, 2011.
This was received as informational.

IX. APPLICATIONS FOR LICENSURE

A. MAYS RABADI-HARRAKA, D.C. (REINSTATEMENT)

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, to approve Dr. Rabadi-Harraka's application for licensure, pending the successful completion of the JP exam. A vote was taken and the motion passed with all members present voting in favor.

B. MARK A. RADOWITZ, D.C. (REINSTATEMENT)

*** Matter was referred to executive session for discussion.**

C. FREDERICK PADAVANO, D.C. (REINSTATEMENT)

*** Matter was referred to executive session for discussion.**

D. MICHAEL CONNELLY, D.C. (INITIAL)

A motion was made by Dr. Stabile, which was seconded by Dr. Calio, to approve Dr. Connelly's application for licensure. A vote was taken and the motion passed with all members present voting in favor.

HANDOUT

E. ANTHONY S. PIANA, D.C. (ENDORSEMENT)

A motion was made by Dr. Calio, which was seconded by Dr. Senatore, to approve Dr. Piana's application for licensure. A vote was taken and the motion passed with all members present voting in favor.

PUBLIC COMMENTS

Richard Luthman, Esq. - Asked a question about whether a licensee whose license was in "inactive" status may act as a chiropractor. The Board referred him to the uniform enforcement act which states that licensees who act without an active license may be found to have practiced without a license.

Bill Schroeder, Richard Luthman, Esq.

Requested public information about the license status of Sharon Guida, DC. The executive director reported that Dr. Guida's license expired as of August 31, 2009.

Dr. Schroeder also requested clarification about whether it is permitted to pay telemarketers for referrals because it is usually considered a form of advertising. The Board did not take a position, but commented that the regulation prohibits chiropractors from paying a fee for the referral of a patient referred.

Sig Miller, D.C.

Dr. Miller provided information that webinars sponsored by the ANJC use a technology that allows distance learners to ask a question on a split screen, to actually participate with audio, to submit an email, and to follow up with emails.

ADJOURNMENT

A MOTION WAS MADE BY DR. SPADAFINO, WHICH WAS SECONDED BY DR. WINTERS, TO GO INTO EXECUTIVE SESSION AT 11:30 A.M., TO CONSIDER FIVE OPEN MATTERS, FIVE REFERRALS FROM OTHER STATE AGENCIES AND SEVEN CONSUMER COMPLAINTS. 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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