

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 Halsey Street, 6th floor
Newark, NJ
PUBLIC SESSION MINUTES
MARCH 27, 2003**

A meeting of the New Jersey Board of Chiropractic Examiners was held on March 27, 2003 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 Brian Atkisson, D.C., President of the Board at 10:00 A.M.

ATTENDANCE

PRESENT: Drs. Atkisson, Calio, Louro, Murphy, Rada, Senatore, Stabile, Traier

ABSENT: Dr. O'Connor and Mr. Faulkner

ALSO PRESENT: DAG John Hugelmeyer, Nina Lado, Recording Secretary and Terri Goldberg, Assistant to the Executive Director

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF FEBRUARY 27, 2003.

A MOTION WAS MADE BY MR. TRAIER AND SECONDED BY DR. RADA TO APPROVE THE PUBLIC SESSION MINUTES OF FEBRUARY 27, 2003. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. NOMINATIONS FOR OFFICERS

Dr. Atkisson called for nominations for Board Officers for the 2003-2004. Elections will be held at the April meeting at which time the new officers will assume their positions.

TREASURER: Dr. Calio nominated Dr. Atkisson for Treasurer. The nomination was seconded by Dr. Rada. No other nominations were made.

SECRETARY: Dr. Calio nominated Dr. Murphy for Secretary. The nomination was seconded by Dr. Rada. No other nominations were made.

VICE PRESIDENT: Dr. Rada nominated Dr. O'Connor for Vice President. The nomination was seconded by Mr. Traier. Dr. Calio nominated Dr. Louro for Vice President. The nomination was seconded by Dr. Stabile. No other nominations were made.

PRESIDENT*: Dr. Calio nominated Dr. Senatore for President. The nomination was seconded by Dr. Louro. Dr. Atkisson nominated Dr. Rada for President. The nomination was seconded by Mr. Traier. No other nominations were made.

*Dr. Senatore arrived at 10:20 a.m., at which time he was informed of the nomination for President. Dr. Senatore declined the nomination.

A MOTION WAS MADE BY DR. TRAIER, WHICH WAS SECONDED BY DR. MURPHY TO CLOSE NOMINATIONS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS VOTING IN

FAVOR.

III. INFORMATIONAL/ANNOUNCEMENTS

A. Arnold Cianciulli, D.C.

Dr. Atkisson announced the sudden passing of Dr. Arnold Cianciulli. Dr. Atkisson expressed his condolences to the family of Dr. Arnold Cianciulli and acknowledged his contribution to the Chiropractic profession and to his many years of service as a Board member of the Board of Chiropractic Examiners.

B. PIP-TAC

Dr. Atkisson updated the Board about the PIP-TAC meeting. They are currently refining the carepaths. Currently, a doctor will be able to consult with the patient within 30 days. After 30 days, a Doctor will have to go through the process. The 30 day period begins from the time of the accident. Some members of the Board expressed concerns over the time frame, specifically if a patient begins to have symptoms after the 30 days has lapsed. It was expressed that the insurance may deny the claim because it does not meet with the 30 day carepath time frame. Dr. Atkisson said that the insurance companies have 72 hours to respond, however some board members opined that this has not been their experience. The Board asked that Dr. Atkisson convey their concerns to the Committee. A report will be generated before the next meeting.

C. BOARD MEETINGS - DATE CHANGE

The following Board meeting dates have been changed for April, June and December 2003. The new dates are as follows: April 17, 2003, June 19, 2003 and December 4, 2003.

D. RULES AND REGULATIONS COMMITTEE MEETING

The Board discussed possible dates for the Committee meeting. The Board asked that the Executive Director coordinate the scheduling of the meeting with all interested parties.

III. OLD BUSINESS

ACCREDITATION ISSUES

A. LIFE UNIVERSITY

The Board had the opportunity to review a letter from Michael J. Schmidt, D.C., Assistant to the President of Life University responding to the site visit report and reporting on recent changes at that institution.

THE BOARD ACCEPTED THIS AS INFORMATIONAL.

B. ARTICLE IN THE CHIROPRACTIC JOURNAL

The Board had the opportunity to review a copy of an article which appeared in the Chiropractic Journal's February 2003 edition. Board members discussed the article and the misinterpretations contained in the article. It was suggested that Drs. Atkisson and Louro together with Executive Director Earle and DAG Hugelmeyer write a letter to The Chiropractic Journal as well as Dynamic Chiropractic to inform them of the Board's statutory authority and the inter-relationship between the Board's approval process and accreditation by the Council on Chiropractic Education.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY DR. STABILE TO SEND A LETTER TO THE CHIROPRACTIC JOURNAL AS WELL AS DYNAMIC CHIROPRACTOR INFORMING THESE PUBLICATIONS OF THE BOARD'S POSITION IN THIS MATTER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. PALMER COLLEGE OF CHIROPRACTIC FLORIDA

The Board had the opportunity to review a letter from Guy F. Riekeman, D.C., President of Palmer College of Chiropractic Florida responding to the notice of the Board's approval of the school's program.

THE BOARD ACCEPTED THIS AS INFORMATIONAL.

IV. DISCIPLINARY MATTERS

A. THOMAS DANDREA, D.C.

The Board reviewed a report of Dr. Dandrea's completion of the ProBE ethics program.

THE BOARD ACCEPTED THIS AS INFORMATIONAL.

B. RICHARD COLLINS, D.C.

The Board reviewed correspondence from Dr. Collins requesting approval of a continuing education course that he previously attended.

A MOTION WAS MADE BY DR. LOURO WHICH WAS SECONDED BY DR. RADA TO ACCEPT THIS COURSE WHICH WILL BE APPLIED TO THE REQUIREMENTS OUTLINED IN HIS SETTLEMENT LETTER DATED JULY 12, 2001. THE BOARD WISHES TO ADVISE DR. COLLINS THAT ALL FUTURE COURSES MUST BE PRE-APPROVED BY THE BOARD. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

V. FEDERATION OF CHIROPRACTIC LICENSING BOARDS

A MOTION WAS MADE BY DR. MURPHY WHICH WAS SECONDED BY DR. STABILE TO SUPPORT THE FOLLOWING INDIVIDUALS FOR 2003-2004 TERM:

President - Richard Cole, D.C. from Tennessee; Vice President - Edward Weathersbey, D.C. from Arizona; Treasurer - Budd Smith, D.C. from Texas

A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VI. WILLIAM CIRINO, D.C.

Submitted for Board consideration is proposed language for inclusion to the nutrition portion of the Scope of Practice regulation. This wording would be considered in addition to the language previously submitted by the NJ Chiropractic Society.

THE BOARD ACCEPTED THIS CORRESPONDENCE AND WILL INCLUDE IT AT THE NEXT RULES AND REGULATIONS COMMITTEE MEETING FOR REVIEW.

V. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS

Dr. Rada gave an overview of the changes in the bylaws that will be voted on at the next meeting. Changes primarily relate to voting issues and the credentials committee, helping maintain the integrity of the voting process.

A MOTION WAS MADE BY DR. STABILE WHICH WAS SECONDED BY DR. CALIO TO ACCEPT THE CHANGES TO THE BYLAWS AND AUTHORIZE DR. O'CONNOR TO VOTE ACCORDINGLY ON THE BOARD'S BEHALF. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

PART IV EXAMINATION

A MOTION WAS MADE BY DR. TRAIER AND SECONDED BY DR. CALIO TO SEND DRS. RADA AND STABILE TO REPRESENT THE BOARD AT THE NATIONAL BOARD OF CHIROPRACTIC EXAMINERS PART IV EXAMINATION WHICH WILL BE HELD MAY 16, 17, AND 18. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VI. ENDORSEMENT

VINCENT A. MARINO, D.C.

Submitted for Board review was an endorsement application submitted by Vincent A. Marino, D.C. Dr. Marino graduated from New York Chiropractic College in 1990 and currently practices in New York State.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY DR. STABILE TO ACCEPT DR. MARINO 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. DISCIPLINARY ACTIONS

A. ALBERT ROSE, D.C.

A Settlement in Lieu of Filing a Formal Disciplinary Complaint was filed on July 31, 2002. Dr. Rose was reprimanded and ordered to Cease and Desist from prescribing or dispensing supplements or nutritional products as part of his chiropractic practice; from offering nutritional advice for specific defects; and from benefitting financially from the sale of supplements or nutritional products. A civil penalty of \$2,500 was assessed.

THE BOARD ACCEPTED THIS AS INFORMATIONAL.

B. MATTHEW WELCH, D.C.

A Settlement in Lieu of Filing Formal Disciplinary Complaint was filed on March 17, 2003 with the Board of Chiropractic Examiners . Dr. Welch was issued a reprimand for using unsubstantiated claims in reports and advertisements, exaggerating qualifications and using testimonials from people that were not patients. Dr. Welch must attend and successfully pass the ProBE ethics course and pay a civil penalty of \$3,000.

THE BOARD ACCEPTED THIS AS INFORMATIONAL.

C. OTTAVIO G. NEPA, D.C.

On March 17, 2003 a Consent Order was filed with the Board of Chiropractic Examiners for violations of the Board's sexual misconduct regulation N.J.A.C. 13:44E-2.3(c) by engaging in a relationship with an adult female patient. Dr. Nepa's license to practice chiropractic is suspended for a period of three years. Suspension is stayed to serve as a period of probation. Dr. Nepa is required to attend and successfully complete and pass the ProBE course and appear before the Board prior to applying for re-admission into practice. Dr. Nepa was also assessed civil penalty of \$5,000.

THE BOARD ACCEPTED THIS AS INFORMATIONAL.

D. SETH ROSSINOW, D.C.

A Settlement in Lieu of Filing Formal Disciplinary Complaint was filed with the Board on February 25, 2003 concerning an advertisement. Dr. Rossinow was assessed a penalty of \$750 for violations of N.J.A.C. 13:44E-2.1(c)9 by engaging in the use of advertising which contains a guarantee that services provided will result in a

cure; N.J.A.C. 13:44E-2.1(g) offering free services without stating their value; and N.J.A.C. 13:44E-2.1(i) publishing an advertisement which does not contain the practitioners name or the name of the practice.

THE BOARD ACCEPTED THIS AS INFORMATIONAL.

ADJOURNMENT

A MOTION WAS MADE BY MR. TRAIER WHICH WAS SECONDED BY DR. SENATORE TO GO INTO EXECUTIVE SESSION TO REVIEW PENDING DISCIPLINARY MATTERS AND CONSUMER COMPLAINTS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.