

**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 27, 2008**

A meeting of the New Jersey Board of Chiropractic Examiners was held March 27, 2008 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 Albert Stabile Jr., D.C., President of the Board, at 9:30 AM.

ATTENDANCE

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

EXCUSED: none

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

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF FEBRUARY 28, 2008

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. KROUSE, TO APPROVE THE PUBLIC SESSION MINUTES OF THE FEBRUARY 28, 2008 MEETING AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. OLD BUSINESS

A. NOMINATIONS FOR BOARD OFFICERS

Nominations of Board officers were made for the 2008-2009 year. The nominations are as follows:

President - Rosemary Calio, D.C. & Albert Stabile Jr., D.C.
Vice President - Michael Krouse, D.C.
Secretary - James Kostinas, D.C.
Treasurer - John Traier

III. INQUIRIES

A. RONALD ZWEIBAUM, D.C.

Dr. Zweibaum made an inquiry to the Board about regulations regarding the delegable tasks of an unlicensed assistant. He asks, "If it is permissible for an unlicensed assistant to apply electrical muscle stimulation (battery generated unit) to a patient while being directly supervised.

A MOTION WAS MADE BY DR. KOSTINAS, WHICH WAS SECONDED BY DR. SPADAFINO, TO HAVE DAG HUGELMEYER DRAFT A LETTER STATING THAT AN UNLICENSED ASSISTANT MAY APPLY BATTERY OPERATED "EMS" UNDER THE DIRECT SUPERVISION OF A LICENSEE IN THE OFFICE,

PROVIDED THAT THE DEVICE IS NOT INTERFERENTIAL; IT IS DOCUMENTED IN THE PATIENT RECORD THAT: THE PATIENT HAS NO CONTRA-INDICATIONS, INFORMED CONSENT TO THE APPLICATION OF THE DEVICE BY AN UNLICENSED ASSISTANT HAS BEEN OBTAINED, AND THE UNLICENSED ASSISTANT IS ADEQUATELY TRAINED; AND PROVIDED THAT THE LICENSEE MUST ALSO CHART THE INFORMATION REQUIRED BY N.J.A.C. 13:44E-2.7A(e) IN THE PATIENT RECORD. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. BILL F. PUGLISI, D.C.

Dr. Puglisi has made an inquiry regarding the privacy laws of patients regarding the fact that accident reports are given to facilities that render Chiropractic services.

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. RADA, TO REQUEST A COPY OF THE LETTER THAT IS BEING CIRCULATED TO PATIENTS AND TO INFORM DR. PUGLISI THAT HE HAS TO IDENTIFY HIMSELF BY NAME ON HIS BUSINESS CARDS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

IV. DISCIPLINARY MATTERS

A. KEVIN BOYAN, D.C.

The Board reviewed a follow-up letter dated March 7, 2008 regarding Dr. Boyan's departure from the Professional Assistance Program. This matter was tabled at the March 27, 2008 meeting.

This was accepted as informational.

B. CHAD A. FILIMON, D.C.

The Board reviewed an Offer of Settlement filed by the Board on March 13, 2008.

This was accepted as informational.

V. APPLICATIONS FOR LICENSURE

A. WARREN S. ALBERT, D.C. (REINSTATEMENT)

The Board reviewed a letter of explanation concerning his licensure in the State of Illinois. Dr. Albert's letter was dated March 3, 2008 and submitted via mail.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. O'CONNOR, TO APPROVE DR. ALBERT'S APPLICATION FOR REINSTATEMENT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. RICHARD J. HERBERT, D.C. (REINSTATEMENT)

The Board reviewed several documents submitted by Dr. Herbert concerning his case with the Pennsylvania Board of Chiropractors and his criminal history.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. CALIO, TO HAVE DAG HUGELMEYER ISSUE A DEMAND FOR STATEMENT BY DR. HERBERT REGARDING THE FOLLOWING: 1) HAS DR. HERBERT PRACTICED CHIROPRACTIC WITHIN THE LAST 5 YEARS? 2) STATUS OF HIS COMPLIANCE WITH O.I.F.P. CONSENT ORDER AND STATUS OF HIS PTI/PROBATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. RICHARD R. RYAN, D.C. (ELECTRO-DIAGNOSTIC)

A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR. SPADAFINO, TO APPROVE DR. RYAN'S CERTIFICATION FOR ELECTRO-DIAGNOSTIC. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

D. EDWARD J. DALEY, D.C. (INITIAL)

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. O'CONNOR, TO APPROVE DR. DALEY'S APPLICATION FOR LICENSURE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

E. CHRISTOPHER J. ALEPA, D.C. (INITIAL)

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. KROUSE, TO APPROVE DR. ALEPA'S APPLICATION FOR LICENSURE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

F. HANK FINKEL, D.C. (INITIAL) -hand-out

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. O'CONNOR, TO REQUEST AN EXPLANATION FOR THE 1994 ARREST IN PENNSYLVANIA. THIS MATTER IS TABLED UNTIL REQUESTED INFORMATION IS OBTAINED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VI. HAND-OUTS

A. MAYWOOD CHIROPRACTIC
BRYAN BAJAKIAN, D.C.

An excerpt of a newspaper was anonymously submitted to the Board. The newspaper article told of Dr. Bajakian's indictment on child porn and weapons charges.

This was accepted as informational.

B. BEDFORD VS. RIELLO

A newspaper article was submitted to the Board regarding Extra-Spinal Manipulation

This was accepted as informational.

VII. APPEARANCES (Both matters moved from Executive Session)

A. DAWN HAZZARD, D.C. - 12:00 PM

Dr. Hazzard has an initial application for licensure pending in the State of NJ. She appeared before the Board to discuss issues concerning her criminal history.

A MOTION WAS MADE BY MR. TRAIER, WHICH WAS SECONDED BY DR. SPADAFINO, TO APPROVE DR. HAZZARD'S INITIAL APPLICATION FOR LICENSURE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. MOHAMMED SHOUKA, D.C. - 1:00 PM

Dr. Shouka has an initial application for licensure pending in the State of NJ. He appeared before the Board to discuss Board actions he had been subject to from the California Board of Chiropractic Examiners.

A MOTION WAS MADE BY DR. KOSTINAS, WHICH WAS SECONDED BY DR. CALIO, TO APPROVE DR. SHOUKA'S INITIAL APPLICATION FOR LICENSURE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ADJOURNMENT

A MOTION WAS MADE BY MR. TRAIER, WHICH WAS SECONDED BY DR. O'CONNOR, TO GO INTO EXECUTIVE SESSION TO CONSIDER PENDING CONSUMER COMPLAINTS, INSURANCE REFERRALS, ENFORCEMENT BUREAU REPORTS & MISCELLANEOUS MATTERS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Jonathan Eisenmenger
Executive Director