

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET
NEWARK, NEW JERSEY
PUBLIC SESSION MINUTES
THURSDAY, MARCH 27, 2014**

A meeting of the New Jersey Board of Chiropractic Examiners was held on March 27, 2014 at the State Office Building, 124 Halsey Street, 7th floor, Newark, New Jersey in the Somerset Room on the 6th floor. The meeting was convened in accordance with the provisions 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 James Winters, D.C., Treasurer of the Board, at 9:35 A.M. A roll call was taken and the following attendance was recorded and a quorum was not present, therefore, a committee of the Board met and will make recommendations for the Board to consider at a future meeting:

David A. Allen, D.C.	Excused
Rosemary Calio, BSN, RN, D.C.	Excused
Michael Krouse, D.C.	Excused
Lawrence O'Connor, D.C.	Present
Thomas A. Senatore, Sr., D.C.	Present
Michael Spadafino, D.C.	Present
Albert Stabile, Jr., D.C.	Excused
John Traier	Absent
James L. Winters, D.C.	Present

Also present were: **Virginia Class Matthews, Deputy Attorney General; Lisa Tadeo, Executive Director; and Tracy Steel, Board Staff.**

PUBLIC COMMENT

I. APPROVAL OF THE PUBLIC SESSION MINUTES

A. January 23, 2014

The committee will recommend to the Board that the public session minutes of the January 23, 2014 meeting be approved as presented.

B. February 27, 2014

The committee will recommend to the Board that the public session minutes of the February 27, 2014 meeting be approved as presented.

II. CONTINUING EDUCATION COMMITTEE

The continuing education committee reviewed courses submitted by continuing education sponsors. The committee recommended that 7 course be denied and 129 courses be approved based on the information submitted for these courses. The committee identified 1 course where a sponsor will be requested to provide additional information.

The committee noted that a licensee who attends an Association of New Jersey Chiropractors continuing education course must pay a fee to the New York Chiropractic College in order to receive a certificate of completion/verification of attendance. The committee also noted that if a licensee is not a member of the Association of New Jersey Chiropractors, they may not be aware of the additional fee to receive their certification of completion/verification of attendance.

III. NEW BUSINESS

A. Application for Reinstatement

1. Larry Sabel, D.C.

The committee will recommend to the Board that Dr. Sabel's application for reinstatement be approved.

2. Barbara Stein, D.C.

The committee will recommend to the Board that Dr. Stein's application for reinstatement be approved.

B. CMS - Required Fraud, Waste and Abuse Training

The committee reviewed the Centers for Medicare & Medicaid Services Fraud, Waste and Abuse Training notification and considered it informational.

C. Inquiry from Susan Giacalone, D.C. RE: Scope of Practice

Dr. Giacalone inquired whether it is within the chiropractic scope of practice to perform continuing medical education which includes a brief Snellen eye chart exam as well as a dipstick urinalysis.

The committee will recommend to the Board to inform Dr. Giacalone that continuing medical education is within the scope of practice for the Snellen eye chart exam and dipstick urinalysis.

- D. Inquiry from Frank Anderson, D.C.
RE: Scope of Practice

Dr. Anderson inquired whether a licensed chiropractor can perform phlebotomy services if he/she is also certified in phlebotomy.

The committee will recommend to the Board to inform Dr. Anderson that drawing blood is not within the scope of practice.

- E. Inquiry from Winson Ma
RE: Scope of Practice

Mr. Ma inquired whether a chiropractor would be permitted to treat patients using both chiropractic and acupuncture treatments if the chiropractor was also a licensed acupuncturist or would it be considered a self referral.

The committee will recommend to the Board that Mr. Ma be informed that it would not be considered a self referral.

- F. Inquiry from Arthur Schwartz, Esq
RE: Scope of Practice

Mr. Schwartz inquired whether a chiropractor is permitted to performing functional capacity examinations. Mr. Schwartz also inquired whether a chiropractor could perform needle puncture for nerve conduction studies. Mr. Schwartz further inquired whether a lay person can enter into an agreement and operate a chiropractic center provided the chiropractor has full discretion in rendering any and all chiropractic decisions.

The committee will recommend to the Board that Mr. Schwartz be informed that chiropractors are permitted to perform functional capacity examination. Mr. Schwartz will also be informed that chiropractors cannot perform needle puncture for nerve conduction studies. Mr. Schwartz will further be informed that a lay person cannot enter into an agreement and operate a chiropractic center pursuant to N.J.A.C. 13:44E-2.15 *permissible practice structures*.

- G. State Board of Chiropractic Examiners Rules
Proposed Readoption with Amendments: N.J.A.C. 13:44E
- Review of Comments

Elizabeth Greenblatt, Regulatory Analyst, met with a committee of the Board to review the comments to Proposed Readoption with Amendments: N.J.A.C. 13:44E and to draft responses to the comments.

IV. OLD BUSINESS

- A. Inquiry from A.R. Scopelliti
RE: Scope of Practice

Dr. Scopelliti had sent an inquiry previously and was concerned that chiropractors are allowed to make decisions regarding medical necessity on procedures with which they have no training.

The Board noted that Dr. Scopelliti's concerns were vague. Dr. Scopelliti was asked to provide more specific information regarding his concerns. Dr. Scopelliti informed the Board that he mentioned in previous correspondence of ongoing problems with chiropractors making decisions on VNG (Videonystagmography) testing in which they have no training in.

The committee will recommend to the Board that the Board reaffirm their previous decision. A chiropractor could request a VNG/ENG test. A chiropractor could perform and interpret the test if they are trained to perform and interpret a VNG/ENG test.

ADJOURNMENT

The committee meeting adjourned at 1:00 P.M.

Respectfully submitted,

Lisa Tadeo
Executive Director