

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES**

APRIL 15, 2004

A meeting of the New Jersey Board of Chiropractic Examiners was held on April 15, 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, Mr. Faulkner and Mr. Traier

EXCUSED:

Dr. Albert Stabile

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 MARCH 18, 2004.

A MOTION WAS MADE BY MR. TRAIER WHICH WAS SECONDED BY DR. O'CONNOR TO ACCEPT THE PUBLIC SESSION MINUTES OF MARCH 18, 2004 AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. SPECIAL PRESENTATION

Dr. Rada expressed appreciation for the services of Nina Lado of the Board staff who recently obtained her license as a registered nurse in the State of New Jersey.

III. ELECTION OF OFFICERS

At its March meeting the following nominations were made for Board officers as follows:

President: Thomas Senatore, D.C.

Vice-President: Joseph Louro, D.C.

Secretary: Lawrence O'Connor, D.C.

Treasurer: Joseph Murphy, D.C.

DR. RADA ASKED IF THERE WERE ANY FURTHER NOMINATIONS FROM THE FLOOR, THERE BEING NO FURTHER NOMINATIONS, A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. ATKISSON TO CAST THE VOTE AS SECRETARY OF THE BOARD FOR THE SLATE OF OFFICERS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

DR. SENATORE THEN ASSUMED THE CHAIR.

Dr. Senatore expressed recognition for the leadership shown by Dr. Mary Ellen Rada who had worked tirelessly over the last year as president and cited achievements under her leadership including the establishment of regulations for the performance of Independent Chiropractic Examinations as the delegation of electro therapy devices; the development of the Internet based new licensee orientation and jurisprudence examination; Dr. Rada's activities on the national level as a representative to the National Board Part IV Examination Test Committee and a Part IV examiner and membership on the FCLB ethics task force where she developed a model ethics curriculum for chiropractic colleges.

Dr. Senatore also thanked the leadership shown by Dr. Larry O'Connor at the FCLB as Deputy District Director, Chair of the FCLB Government Relations Committee and a member of the FCLB Nominating Committee. Dr. Senatore expressed the hope that Drs. Rada and O'Connor will continue their leadership in these roles.

Dr. Senatore then outlined initiatives for the coming year including the completion of regulations setting standards for professional practice structures and standards for multi-disciplinary practices. He set a deadline to have a working document ready by December of this year. Dr. Senatore also expressed an interest in collaborating with sister boards-The Board of Medical Examiners and the Board of Physical Therapy in cooperative efforts in the regulatory and enforcement side. He also suggested that we maintain a working dialogue with the State Associations and expressed the hope that during the coming year, New Jersey would develop legislation that would adopt a continuing education requirement noting that New Jersey is the only State in the Nation that does not have a continuing education requirement for chiropractors.

Finally, Dr. Senatore expressed thanks to Executive Director Earle and Deputy Attorney General Hugelmeyer for their support and cooperation with the efforts of the Board.

MOTION OF AUTHORIZATION FOR PRESIDENT TO ACT BETWEEN MEETINGS

A MOTION WAS MADE DR. LOURO WHICH WAS SECONDED BY DR. RADA TO AUTHORIZE THE PRESIDENT OF THE BOARD TO ACT ON BEHALF OF THE BOARD ON EMERGENT MATTERS. THE VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

IV. OLD BUSINESS

ADOPTION OF REGULATIONS

It was reported that the Board's regulations on Delegable Tasks or Functions of Unlicensed Assistants; Order of Electric Therapy Devices for Home Use was published and adopted in the April 5, 2004 edition of the New Jersey Register. A copy of the regulation will also appear on the Board's website.

V. ELECTRO DIAGNOSTIC TESTS AND SPECIAL EXAMINATIONS

The Board reviewed two applications for certification under the regulations for Electro Diagnostic Testing and special examinations.

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. O'CONNOR TO APPROVE THE APPLICATIONS OF ALDO R. SCOPELITTI, D.C. AND DANIEL HOUSHMOND, D.C. FOR CERTIFICATION UNDER THE BOARD'S ELECTRO DIAGNOSTIC TESTING REGULATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. O'CONNOR TO HAVE THE BOARD OBTAIN INFORMATION FROM THE CARRICK INSTITUTE WHICH OFFERS COURSES IN ELECTRO DIAGNOSTICS UNDER THE ACA NEUROLOGY CERTIFICATION, A BOARD CERTIFICATION PROGRAM SO THAT THEY MAY BE EVALUATED FOR THE PURPOSES OF THE BOARD'S REGULATIONS.

VI. LOW LEVEL LIGHT THERAPY

The Board reviewed material submitted by Chris Stevens, D.C. concerning information as to whether low level light therapy would be within a chiropractor's scope of practice. Some documentation was provided by Dr. Stevens.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY DR. O'CONNOR TO NOTE THAT THIS PARTICULAR THERAPY IS NOT CONSIDERED WITHIN THE SCOPE OF PRACTICE AT THE PRESENT TIME. ADDITIONAL INFORMATION WILL HAVE TO BE EVALUATED BEFORE THE BOARD CAN TAKE A POSITION ON THIS PARTICULAR THERAPY. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VII. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS - PART IV EXAMINATION TEST COMMITTEE

Dr. Rada reported that she will be participating as part of the National Board Part IV practical examination test committee on June 25-26, 2004 at the National Board headquarters in Greeley, Colorado.

VIII. FEDERATION OF CHIROPRACTIC LICENSING BOARDS

Dr. O'Connor reported that two by-law amendments will be considered at the Federation's Annual meeting in Denver, Colorado. The first amendment would provide a voting status to the Executive Fellow seat on the Board of Directors of the Federation.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY MR. TRAIER TO SUPPORT THIS BY-LAW AMENDMENT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Dr. O'Connor also reported that Executive Director Earle has been unanimously nominated by the FCLB Nominating Committee to serve a second two year term as the FCLB Executive Fellow.

Dr. O'Connor also reported that a second by-law amendment had been submitted by Dr. Hank Hultein, D.C. of South Carolina making certain changes to the structure and processes of the nominating committee. It was recommended that the Board not be in support of this by-law amendment.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. LOURO TO NOT SUPPORT THIS BY-LAW AMENDMENT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

IX. GENERAL CORRESPONDENCE

A.. NESTOR H. SMITH, ESQ.

Mr. Smith is seeking a copy of a letter written apparently on January 21, 1994 to the Department of Insurance relative to chiropractic procedures addressing the issues of certain CPT codes for chiropractic manipulative treatment. The staff reported that the referenced letter could not be located.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY DR. O'CONNOR TO RESPOND TO MR. NESTOR THAT THE BOARD CAN UNFORTUNATELY NOT BE OF ASSISTANCE ON THIS MATTER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. LISA MULLER-MUNOZ, D.C.

Dr. Munoz is inquiring as to the Board's interpretation of its Scope of Practice that defines Chiropractic as "the

adjustment and/or manipulation of the articulation of spine and related structures." Dr. Munoz inquires as to the meaning of the term related structures. The Board was directed to the comments and responses published in the New Jersey Register on Tuesday, February 18, 1992 upon the adoption of the Board's regulations where a similar question was asked. The response to comments was as follows: "the Board believes that the rule does not require further clarification in that it is consistent with prior practice and has been understood and interpreted in the past to naturally include the biomechanical and neurological systems which impact on the spine." The Board further commented that when previously considering this issue it had opined that the related structure must be documented in the patient record to have a rational nexus to a spinal condition or vice versa.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. MURPHY TO RESPOND TO DR. MUNOZ AS NOTED ABOVE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. INQUIRY OF DON SMITH, JR.

Mr. Smith is an Athletic Trainer at Millburn High School and is questioning a local chiropractor who was approved by the School Board as a volunteer wrestling coach and "who wants to practice sports tapings/medicine." Mr. Smith is a licensed athletic trainer. Deputy Attorney General Hugelmeyer noted that the regulations governing Athletic Trainers at N.J.S.A. 13:35-10.6 notes that an unregistered Athletic Trainer may apply taping to uninjured athletes and regulations as subsection 10.2 references Athletic Trainers working at the direction of a licensed physician. The term licensed physician was interpreted to include a licensed chiropractor.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY DR. ATKISSON TO REFER MR. SMITH TO THE REGULATIONS GOVERNING ATHLETIC TRAINING IN THE STATE OF NEW JERSEY. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

X. ENDORSEMENT

DAVID SRULEVICH, D.C.

The Board reviewed an application for licensure from Dr. David Srulevich a 1995 graduate of NYCC who holds licenses in New York and Pennsylvania. CIN-BAD record is clear and there is no record of disciplinary action in any other jurisdiction.

A MOTION WAS MADE BY DR. LOURO WHICH WAS SECONDED BY MR. TRAIER TO APPROVE THE APPLICATION SUBJECT TO THE SUCCESSFUL COMPLETION OF THE JURISPRUDENCE EXAMINATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

XI. MISCELLANEOUS - NEW BUSINESS

A. REFERRAL OF PATIENTS FOR TESTING

The issue of whether a chiropractor needs to provide a referral slip when referring a patient for any form of diagnostic test that is outside the Scope of Chiropractic. It was suggested that this might be considered as part of an amendment to the patient records regulations.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY DR. ATKISSON TO REFER THIS MATTER TO THE RULES AND REGULATIONS COMMITTEE FOR ITS CONSIDERATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. RULES AND REGULATIONS COMMITTEE

It was noted that a meeting of the Rules and Regulations Committee has been scheduled for May 27, 2004 at the

Board offices.

PUBLIC COMMENTS

Dr. Diane Kramer noted that she was in possession of information concerning low level light therapy and infrared therapy and reported that she would be happy to supply the Board with documentation concerning this modality.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY MR. TRAIER TO GO INTO EXECUTIVE SESSION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Kevin B. Earle, Executive Director
