

**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, APRIL 21, 2005**

A meeting of the New Jersey Board of Chiropractic Examiners was held on April 21, 2005 at the State Office Building, 124 Halsey Street, 6th floor, Newark, New Jersey. 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 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 Thomas Senatore, D.C., President of the Board at 10:00 AM.

ATTENDANCE

PRESENT: Drs. Atkisson, Calio, Kostinas, Louro, O'Connor, Rada, and Senatore. Mr. Traier and Mr. Faulkner

EXCUSED: Drs. Murphy and Stabile

ALSO PRESENT: DAG John Hugelmeyer, Acting Executive Director Joanne Boyer, Assistant to the Acting Executive Director Maria Lado, Venus Hall, Paralegal and recording secretary Shekenna Brown.

INTRODUCTION OF STATE REPRESENTATIVE

Dr. Senatore introduced Dr. James Kostinas. Dr. Kostinas is a licensed chiropractic physician in New Jersey who also works for the Department of Health and Senior Services. Dr. Kostinas was appointed to the Board by Acting Governor Richard Codey to serve as a State Representative.

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF MARCH 17, 2005

A MOTION WAS MADE BY MR. TRAIER WHICH WAS SECONDED BY DR. ATKISSON TO APPROVE THE PUBLIC SESSION MINUTES AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. OLD BUSINESS

ELECTION OF BOARD OFFICERS FOR 2005-2006 PERIOD

Nominations were opened once again for Board officers. The following slate of officers was considered for vote:

Nominated for President: Joseph Louro, D.C.

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. O'CONNOR TO CLOSE THE NOMINATIONS AND ELECT DR. LOURO TO BOARD PRESIDENT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A TELEPHONIC VOTE WAS RECORDED FROM BOARD MEMBER JOSEPH MURPHY, D.C. CASTING HIS VOTE FOR DR. LOURO.

Nominated for Vice-President: Joseph Murphy, D.C.

Lawrence O'Connor, D.C.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY DR. ATKISSON TO HOLD A CLOSED BALLOT VOTE. VOTES WERE READ BY DAG HUGELMEYER AND RECORDED BY ACTING EXECUTIVE DIRECTOR BOYER. VOTES ARE AS FOLLOW:

Joseph Murphy, D.C. 5 votes

Lawrence O'Connor, D.C. 4 votes

ONE MEMBER ABSTAINED FROM THE VOTING. A TELEPHONIC VOTE WAS RECORDED FROM BOARD MEMBER JOSEPH MURPHY, D.C., HAVING CAST HIS VOTE FOR HIMSELF.

DR. O'CONNOR WITHDREW HIS NAME FROM CONSIDERATION.

Nominated for Secretary: Rosemary Calio, D.C.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY MR. FAULKNER TO CLOSE NOMINATIONS AND ELECT DR. CALIO TO BOARD SECRETARY. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Nominated for Treasurer: Albert Stabile, D.C.

A MOTION WAS MADE BY MR. TAIER WHICH WAS SECONDED BY DR. RADA TO CLOSE NOMINATIONS AND ELECT DR. STABILE TO BOARD TREASURER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

DR. LOURO PRESIDED OVER THE MEETING

Dr. Senatore was presented with a gift from the Board by Dr. Atkisson. Dr. Atkisson thanked him for his years of service and especially for the past year as president. Dr. Atkisson praised Dr. Senatore for his many achievements over the past six years on the Board including the transition from the State Examination to acceptance of Part IV.

Dr. Senatore thanked the Board expressing how much affection he had for the Board and the hard work and dedication which the current members have shown. He praised the Board on how well everyone works together and shared his hopes that the new members continue the legacy left behind by the outgoing members.

Dr. Louro also thanked Dr. Senatore for his time, dedication and commitment to making the Chiropractic Board an efficient Board which is well received and respected throughout the profession.

III. NEW BUSINESS

FEDERATION OF CHIROPRACTIC LICENSING BOARDS

Submitted for Board review was the slate of officers recommended by the nominating committee and proposed bylaws amendments.

Dr. O'Connor reported on this matter.

THIS MATTER WAS ACCEPTED AS INFORMATIONAL.

IV. GENERAL INQUIRIES

A. ALBERT CAMPANA, D.C.

Dr. Campana requested the Board's guidance on employment of a physical therapist in a limited liability corporation.

A MOTION WAS MADE BY DR. CALIO WHICH WAS SECONDED BY DR. ATKISSON TO SEND A COPY OF THE BOARD'S STATUTES AND REGULATIONS HANDBOOK AND ADVISE DR. CAMPANA TO SEEK THE ADVICE OF LEGAL COUNSEL. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. SEAN A. EASTMAN, D.C.

Dr. Eastman is interested in becoming a Paramedic and questioned whether there are any stipulations with him also being a Chiropractor.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. SENATORE TO INFORM DR. EASTMAN THAT THERE IS NO PROHIBITION AS LONG AS HE PRACTICES CHIROPRACTIC SEPARATELY. DR. EASTMAN SHOULD BE CAUTIONED AGAINST SOLICITING PATIENTS WHILE WORKING AS A PARAMEDIC. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. LAWRENCE A. LEBROCQ, ESQ.

Mr. Lebrocq inquired whether or not a chiropractor is permitted to obtain police reports of motor vehicle accidents for soliciting of the individuals involved through direct mail advertising.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. ATKISSON TO INFORM MR. LEBROCQ THAT A CHIROPRACTOR MAY OBTAIN COPIES OF POLICE REPORTS SO LONG AS THOSE REPORTS ARE OBTAINED LAWFULLY. SOLICITATION OF THOSE INDIVIDUALS MAY TAKE PLACE WITHIN THE PARAMETERS OF THE ADVERTISING REGULATIONS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

D. MARKLEY S. RODERICK, ESQ.

Mr. Roderick submitted correspondence addressed to both the Chiropractic and Acupuncture boards requesting guidance regarding acupuncture within the chiropractic practice.

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. SENATORE TO INFORM MR. RODERICK THAT THE CHIROPRACTIC BOARD WILL FORM A MULTI-DISCIPLINARY COMMITTEE TO MEET WITH THE ACUPUNCTURE BOARD TO DISCUSS THIS ISSUE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

E. JONATHAN SPAGES, D.C.

Dr. Spages requested the Board's advice on marketing techniques he would like to use in his practice.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. RADA TO SEND DR. SPAGES A COPY OF THE STATUTES AND REGULATIONS HANDBOOK AND ADVISE HIM TO REFER TO THE ADVERTISING REGULATIONS. DR. SPAGES SHOULD ALSO REFER TO HIS LOCAL OFFICIALS FOR QUESTION #2. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

V. ELECTRODIAGNOSTIC TESTS & SPECIAL EXAMINATIONS PERMIT

CRAIG KLEIN, D.C.

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. O'CONNOR TO APPROVE DR. KLEIN'S APPLICATION AND ISSUE A CERTIFICATE FOR ELECTRODIAGNOSTIC TESTS AND SPECIAL EXAMINATIONS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VI. ADDITIONAL AGENDA ITEMS (HANDOUTS)

A. ALBERT F. CATTAFI, D.C.

Attached for Board review was a Certification of Service for Dr. Cattafi who was served an Administrative Action Notice of Hearing, Notice to File Answer and Administrative Action Complaint on February 16, 2005.

THIS MATTER WAS ACCEPTED AS INFORMATIONAL.

B. CORRESPONDENCE LISA MEITH, D.C.

The Board reviewed correspondence submitted by Dr. Meith regarding a disability claim she submitted to Lincoln National Life, administered through MetLife. Dr. Meith reports that a representative of MetLife has made repeated attempts to have access to her patient records. MetLife has allegedly insisted that this is the only way to determine whether Dr. Meith has worked as a chiropractor.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY DR. ATKISSON TO ADVISE DR. MEITH THAT THIS MATTER MAY BE A VIOLATION OF HIPAA REGULATIONS AND THAT DR. MEITH COULD PERHAPS FILE A COMPLAINT WITH THAT DEPARTMENT. DR. MEITH COULD ALSO SUBMIT A LETTER TO THE DEPARTMENT OF BANKING AND INSURANCE REGARDING ACTIONS OF METLIFE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. ANTHONY LONGO, D.C.

Dr. Longo submitted correspondence asking for clarification on the legality of performing an internal coccygeal adjustment in the State of New Jersey.

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. SENATORE TO ADVISE DR. LONGO THAT THIS PROCEDURE IS AN ACCEPTED CHIROPRACTIC PROCEDURE, HOWEVER, CERTAIN SAFEGUARDS SHOULD BE TAKEN PRIOR TO PERFORMING THE PROCEDURE INCLUDING; DISCUSSING THE PROCEDURE IN DETAIL WITH THE PATIENT, OBTAINING WRITTEN INFORMED CONSENT AND HAVING A PROFESSIONAL ASSISTANT IN THE ROOM. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

D. NBCE

Dr. Atkisson informed the Board that Dr. Rada would be attending the NBCE Part IV on his behalf due to a prior engagement scheduled for the same date.

Dr. Rada reported on the new Board member orientation program and handbook being established by NBCE. A handbook was available for the Board's review.

THIS MATERIAL WAS ACCEPTED AS INFORMATIONAL.

E. PIP-TAC REPORT

Dr. Atkisson handed out and reported on the PIP-TAC meeting which took place on April 14, 2005.

VII. PUBLIC COMMENTS

Ken Mailey, PT - addressed the Board with a comment questioning whether the Board could address the legality of a particular issue. Mr. Mailey comments were specifically in regards to two issues discussed at this meeting.

ADJOURNMENT

A MOTION WAS MADE BY DR. DR. O'CONNOR WHICH WAS SECONDED BY DR. RADA TO GO INTO EXECUTIVE SESSION TO CONSIDER PENDING INVESTIGATIONS, CONSUMER COMPLAINTS AND DISCIPLINARY MATTERS. THE MEETING WAS ADJOURNED AT 12:35 PM. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Joanne Boyer, Acting Executive Director