

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET, 7TH FLOOR
ESSEX ROOM
NEWARK, NEW JERSEY**

PUBLIC SESSION MINUTES

THURSDAY, APRIL 22, 2010

A meeting of the New Jersey Board of Chiropractic Examiners was held April 22, 2010 at the State Office Building, 124 Halsey Street, 7th 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 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 9:45 A.M..

ATTENDANCE

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

EXCUSED: Dr. Rada

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

Public: Sig Miller (ANJC), Joe Garolis (ANJC), Jeffrey Randolph, Esq. & Neil Salka, D.C.

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF MARCH 25, 2010

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. CALIO, TO APPROVE THE PUBLIC SESSION MINUTES OF THE MARCH 25, 2010 MEETING AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. EXECUTIVE DIRECTOR'S REPORT

III. PIC SCHEDULE

Dr. Rada will address the Board regarding scheduling attendance for upcoming PIC meetings every month.

IV. FEDERATION OF CHIROPRACTIC LICENSING BOARDS

A. FCLB ELECTIONS

Dr. O'Connor reported that the National Board meeting in Baltimore will start next Monday, with the FCLB meeting starting Wednesday.

This was accepted as informational.

V. NEW JERSEY FOUNDATION FOR AGING

This was accepted as informational.

VI. APPLICATIONS FOR LICENSURE

A. LAUREN L. RAPP, D.C. (INITIAL)

A MOTION WAS MADE BY DR. SENATORE, WHICH WAS SECONDED BY DR. MURPHY, TO APPROVE DR. RAPP'S APPLICATION FOR LICENSURE PENDING RECEIPT OF A CLEAN CIN-BAD REPORT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. BARBARA J. PSOLKA, D.C. (ENDORSEMENT)

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

C. JAY M. PLOTKIN, D.C. (REINSTATEMENT)

Dr. Plotkin was suspended by the Board in 2008 based on a conviction for healthcare fraud in Ohio.

A MOTION WAS MADE BY DR. STABILE, WHICH WAS SECONDED BY DR. KOSTINAS, TO SCHEDULE AN APPEARANCE BEFORE THE BOARD AND PROVIDE INFORMATION ABOUT (1) HIS PLANS TO PRACTICE, AND (2) FULFILLING THE TERMS OF THE 2008 CONSENT ORDER, ESPECIALLY ENGAGING A PROFESSIONAL CODER. THE BOARD OFFICE WILL ALSO OBTAIN A REPORT FROM CIN-BAD. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

D. LONNIE S. GROSS, D.C. (REINSTATEMENT)

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

E. NEIL SALKA, D.C. (REINSTATEMENT)

A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR.

SPADAFINO, TO APPROVE DR. SALKA'S APPLICATION FOR LICENSURE

WITH A LETTER OF CAUTION TO AVOID FURTHER CONTACT WITH THE CRIMINAL JUSTICE SYSTEM. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR AND ONE ABSTENTION(MR. TRAIER).

F. KENNETH KORIS, D.C. (REINSTATEMENT)

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. SPADAFINO, TO APPROVE DR. KORIS' APPLICATION FOR LICENSURE PENDING RECEIPT OF CHBC THAT DOES NOT SHOW ANY NEW INFORMATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VII. OPEN DISCIPLINARY MATTERS

A. BRUCE JACOBSON, D.C.

The Board reviewed a UPL dated September 9, 2008. This matter was heard at the October 22, 2009. Mr. Randolph was present for this meeting and the Board granted to postpone the Motion for Default and grant Mr. Randolph one month to review the case and attempt to settle the matter. Board staff called Mr. Randolph's office on April 14, 2010, to notify him that the matter will be on the April agenda for Final Board review.

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. SPADAFINO, TO AUTHORIZE A FINAL ORDER TO BE ISSUED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VIII. INQUIRIES

**A. JOHN M. KELLY, CPC
C/O KELLY CODING & COMPLIANCE, LLC**

Mr. Kelly is inquiring about whether a chiropractor can delegate certain modalities (myofascial release and manual trigger point massage) to a certified massage therapist.

A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR. MURPHY, TO RESPOND TO MR. KELLY'S INQUIRY THAT A LICENSED CHIROPRACTOR CANNOT DELEGATE MYOFACIAL RELEASE AND MANUAL TRIGGER POINT MASSAGE TO A MASSAGE THERAPIST. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. GARY A. STEVENS, D.C.

Dr. Stevens is inquiring about the 'New Jersey Compassionate Use Medical Marijuana Act' in regards to primary care givers.

*** The Chair directed the executive director to refer the inquirer to the statutory definition and suggest that he confer with a private attorney.**

C. MITCHELL KOSHEFF

Mr. Kosheff is inquiring about Chiropractor's performing physical rehabilitative treatment to brain injured patients.

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. CALIO, TO DETERMINE THAT REHABILITATION IS PERMISSIBLE WITHIN THE SCOPE OF PRACTICE OF CHIROPRACTIC. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

IX. MISCELLANEOUS

A. NJ. COM (ARTICLE)

The Board reviewed an article pertaining to an unlicensed 'Chiropractor', Robert Castanon. Mr. Castanon owns Spinal Care & Rehab Center located in Rahway, N.J.. He plead guilty to staging car accidents and bilking an insurance agency out of more than \$400,000.

This was accepted as informational.

X. NOMINATIONS FOR BOARD OFFICERS

President

Dr. Murphy nominated Dr. Krouse, which was seconded by Dr. Calio

Vice-President

Dr. Calio nominated Dr. Spadafino, which was seconded by Dr. Krouse

Secretary

Dr. O'Connor nominated Dr. Murphy, which was seconded by Dr. Krouse

Treasurer

Dr. O'Connor nominated Mr. Traier, which was seconded by Dr. Spadafino

Nominations were closed

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY MR. TRAIER, TO HAVE THE BOARD APPROVE THE NOMINATIONS BY UNANIMOUS CONSENT OF THOSE PRESENT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

XI. APPEARANCES

A. ROBERT FETTIG, D.C. (10:00 AM)

Dr. Fettig was supposed to appear before the Board to answer questions regarding his criminal history. Prior to the meeting, Dr. Fettig contacted the Board office and informed staff that he wishes to withdraw his application for licensure.

ADJOURNMENT

A MOTION WAS MADE BY MR. TRAIER, WHICH WAS SECONDED BY DR. STABLE, TO GO INTO EXECUTIVE SESSION, TO CONSIDER ONE PIC SUMMARY & NINE OPEN COMPLAINTS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Jonathan Eisenmenger
Executive Director

/sl