

**STATE OF NEW JERSEY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF CHIROPRACTIC EXAMINERS  
124 HALSEY STREET  
NEWARK, NEW JERSEY  
PUBLIC SESSION MINUTES  
THURSDAY, APRIL 24, 2014**

A meeting of the New Jersey Board of Chiropractic Examiners was held on April 24, 2014 at the State Office Building, 124 Halsey Street, 7<sup>th</sup> floor, Newark, New Jersey in the Monmouth Room on the 7<sup>th</sup> 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 David Allen, D.C., President of the Board, at 9:35 A.M. A roll call was taken and the following attendance was recorded and a quorum was present:

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

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

**I. APPROVAL OF THE PUBLIC SESSION MINUTES**

A. January 23, 2014

A motion was made by Dr. Calio which was seconded by Dr. O'Connor, to approve the public session minutes from the January 23, 2014 Board meeting as amended. A vote was taken and the motion passed with all members voting in favor.

B. February 27, 2014

A motion was made by Dr. Senatore which was seconded by Dr. Krouse, to approve the public session minutes from the February 27, 2014 Board meeting as amended. A vote was taken and the motion passed with all members voting in favor.

C. March 27, 2014

A motion was made by Dr. O'Connor which was seconded by Dr. Krouse, to approve the public session minutes from the March 27, 2014 committee meeting as amended. Dr. Calio and Dr. Spadafino opposed while all other members voted in favor. The motion passed by a majority vote.

**II. CONTINUING EDUCATION COMMITTEE**

The continuing education committee reviewed 41 courses submitted by continuing education sponsors. The committee recommended that 36 courses be approved based on the information submitted for these courses. The committee identified 1 course where sponsor will be requested to provide additional information. The committee also identified 4 courses that the Board will review at its May 22, 2014 meeting. A motion was made by Dr. O'Connor and seconded by Dr. Krouse, to approve the 36 courses as recommended by the committee. A vote was taken and motion passed with all members present voting in favor.

**III. FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB)**

Dr. O'Connor provided the Board with an update on FCLB activities. Dr. O'Connor also informed the Board that he has been with the FCLB for 14 years and 2014 will be his last year with the FCLB.

**IV. NEW BUSINESS**

Upon a motion made by Dr. O'Connor, which was seconded by Dr. Calio, the Board voted to go into Executive Session to review and discuss applications for licensure and reinstatement. The Board returned to public session to continue the meeting and vote on the applications for licensure and reinstatement.

A. Application for Reinstatement

1. Larry Sabel, D.C.

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino to request that Dr. Sabel appear before the Board to discuss his reinstatement application. A vote was taken and the motion passed with all members present voting in favor.

2. Barbara Stein, D.C.

A motion was made by Dr. Calio, which was seconded by Dr. O'Connor, to approve Dr. Stein's application for reinstatement. A vote was taken and the motion passed with all members present voting in favor.

B. Application for Chiropractic Licensure

1. Bruce Ruderman (Endorsement)

A motion was made by Dr. O'Connor, which was seconded by Dr. Calio, to approve Dr. Ruderman's application for licensure. A vote was taken and the motion passed with all members present voting in favor.

2. Martin Miller (Endorsement)

A motion was made by Dr. O'Connor, which was seconded by Dr. Calio, to approve Dr. Miller's application for licensure. A vote was taken and the motion passed with all members present voting in favor.

C. Electrodiagnostic Application

1. Mitchell Pernal II, D.C.

A motion was made by Dr. O'Connor, which was seconded by Dr. Winters to approve Dr. Pernal's Electrodiagnostic application. A vote was taken and the motion passed with all members present voting in favor.

D. CMS - Required Fraud, Waste and Abuse Training

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

E. 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.

A motion was made by Dr. Krouse, which was seconded by Dr. O'Connor, to inform Dr. Giacalone that continuing medical education is within the scope of practice for the Snellen eye chart exam and dipstick urinalysis.

- F. 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.

A motion was made by Dr. O'Connor, which was seconded by Dr. Krouse to refer Dr. Anderson to the statutes and regulations. A vote was taken and Dr. Calio and Dr. Spadafino opposed while all others voted in favor. The motion passed with a majority vote.

- G. 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.

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, that Mr. Ma be informed that it would not be considered a self referral. A vote was taken and the motion passed with all members present voting in favor.

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

Mr. Schwartz inquired whether a chiropractor is permitted to perform 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.

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, 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*. A vote was taken and the motion passed with all members present voting in favor.

- I. 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 the Board to review the comments to Proposed Readoption with Amendments: N.J.A.C. 13:44E and the draft responses to the comments.

A motion was made by Dr. O'Connor, which was seconded by Dr. Krouse to approve the responses to the comments and to adopt the regulations. A vote was taken and the motion carried by a unanimous vote.

J. Inquiry from Matthew Glass, D.C.  
RE: Continuing Education

Dr. Glass is inquiring whether he is exempt of the continuing education requirements during the current license period (September 1, 2013 through August 31, 2015). Dr. Glass graduated from a chiropractic college in September of 2012 and became licensed in April of 2013.

A motion was made by Dr. Spadafino, which was seconded by Dr. O'Connor, to inform Dr. Glass that he is exempt from this renewal period but he will have to obtain the required 30 continuing education credits for the next renewal period (September 1, 2015 through August 31, 2017). A vote was taken and the motion passed with all members present voting in favor.

K. Inquiry from Avianne Waithe, D.C.  
RE: Virtual Office

Dr. Waithe inquired whether she was allowed to open a virtual office.

A motion was made by Dr. O'Connor, which was seconded by Dr. Krouse, to ask Dr. Waithe for more detailed information concerning the virtual office she would like to open and to also refer Dr. Waithe to the regulation N.J.A.C. 13:44E-2.15 *permissible practice structures*. A vote was taken and the motion passed with all members present voting in favor.

L. Inquiry from Susann Clothier, D.C.  
RE: Scope of Practice

Dr. Clothier submitted an inquiry on whether it is within the scope of practice to perform an internal coccyx adjustment.

This matter was tabled.

M. Inquiry from Manal Mena, D.C.  
RE: Biofeedback

This matter was tabled.

- N. Inquiry from William Judge  
RE: Biofeedback Billing

This matter was tabled.

#### IV. **OLD BUSINESS**

- A. Inquiry from A.R. Scopelliti, D.C.  
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.

A motion was made by Dr. O'Connor, which was seconded by Dr. Calio, 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 and hold an electrodiagnostic permit that is issued by the Board. A vote was taken and the motion passed with all members present voting in favor.

- B. Inquiry from Christine Rivera, D.C.  
RE: Mobile Business

Dr. Rivera had sent an inquiry previously regarding mobile business. The Board informed Dr. Rivera that there wasn't enough information regarding her inquiry. Dr. Rivera states that she would like to know whether New Jersey would allow a mobile chiropractic business that is solely based on business hours. The Chiropractor would travel in their own vehicle with a portable chiropractic table and tools to each appointment site.

A motion was made by Dr. Senatore, which was seconded by Dr. Krouse, to refer this inquiry to the rules and regulations committee. The committee will report back to the Board at a future meeting. A vote was taken and the motion passed with all members present voting in favor.

- C. Inquiry from Garry Silvesti, D.C.  
RE: Continuing Education

Dr. Silvesti inquired whether the Board would permit him to count some of the academic credits he completed for his Master of Medical Science degree towards the continuing education requirement.

Dr. Silvesti provided the Board with more detailed information concerning the courses.

A motion was made by Dr. Calio, which was seconded by Dr. Spadafino to refer this matter to the continuing education committee for review. The committee will report back to the Board at a future meeting. A vote was taken and the motion passed with all members present voting in favor.

## **V. BOARD ELECTIONS**

Ms. Tadeo called for nominations for President of the Board and a motion was made by Dr. Calio, which was seconded by Dr. Krouse, to nominate Dr. Spadafino. Ms. Tadeo called for further nominations and a motion was made by Dr. O'Connor, which was seconded by Dr. Winters to nominate Dr. Allen. Ms. Tadeo called for further nominations and there were none.

Ms. Tadeo called for nominations for Vice President of the Board and a motion was made by Dr. O'Connor, which was seconded by Dr. Winters, to nominate Dr. Stabile. Ms. Tadeo called for further nominations and a motion was made by Dr. Calio, which was seconded by Dr. Krouse, to nominate Dr. Spadafino. Ms. Tadeo called for further nominations and there were none.

Ms. Tadeo called for nominations for Secretary of the Board and a motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, to nominate Dr. Senatore. Ms. Tadeo called for further nominations and there were none.

Ms. Tadeo called for nominations for Treasurer of the Board and a motion was made by Dr. Senatore, which was seconded by Dr. O'Connor, to nominate Dr. Calio. Ms. Tadeo called for further nominations and there were none.

Election of officers for May of 2014 through April of 2015 will be held at the Board's May 22, 2014 meeting.

## **VI. INFORMATIONAL**

- A. Notice from Russell McIntyre  
RE: PRIM-E

The Professional Renewal in Medicine through Ethics (PRIM-E) informed the Board that the PRIM-E course will no longer be available to the dentistry, chiropractic, pharmacy and counseling professions. The Board considered this to be informational.

- B. Frank DiPasquale, D.C.  
Consent Order filed March 26, 2014

The Board reviewed the Consent Order Filed March 26, 2014 in the matter of Dr. DiPasquale and will consider this informational.

**ADJOURNMENT**

The Board returned to Public Session and a motion was made by Dr. O'Connor, which was seconded by Dr. Winters, to adjourn the meeting at 1:40 P.M. A vote was taken and the motion passed with all members present voting in favor.

Respectfully submitted,

Lisa Tadeo  
Executive Director