

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET, 3rd FLOOR
UNION ROOM
NEWARK, NEW JERSEY**

PUBLIC SESSION MINUTES

THURSDAY, APRIL 28, 2011

A meeting of the New Jersey Board of Chiropractic Examiners was held April 28, 2011 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 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 Michael B. Krouse, D.C., President of the Board, at 9:45 A.M..

ATTENDANCE

PRESENT: Drs. ' Allen, Calio, Krouse, O'Connor, Senatore, Spadafino, Stabile, Winters and Mr. Traier (arrived at 9:55am)

EXCUSED: None

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

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF MARCH 24, 2011

A motion was made by Dr. Winters, which was seconded by Dr. Spadafino, to approve the public session minutes of the March 24, 2011 meeting as amended. A vote was taken and the motion passed with all members present voting in favor.

II. EXECUTIVE DIRECTOR'S REPORT

No report this month

III. C.E. COMMITTEE

A. NATIONAL UNIVERSITY OF HEALTH SCIENCES

Confronting Cancer as a Chronic Disease

Acupuncture - Traditional Theory & Practical Procedures

The committee referred these course submissions for discussion by the full Board because of the subject matter of the courses. There was some concern that approving these courses could create the possible inference that licensees who participate in these courses for continuing education would be able to advertise and/or treat patients outside of the scope of practice.

A motion was made by Dr. O'Connor, which was seconded by Dr. Allen, to table discussion of the cancer course, and request information from National concerning how the integration of the material into the practice of chiropractic is accomplished. A vote was taken and the motion passed with all members present voting in favor. The vote was 8-1 (Spadafino).

A motion was made by Dr. Calio, which was seconded by Dr. Stabile, to deny credit for the course on acupuncture. A vote was taken and the motion passed with all members present voting in favor.

B. Report of meeting on April 21, 2011

The Committee reduced the credits that were requested for two courses, requested additional information from one course and recommends approving 150 courses.

A motion was made by Dr. Stabile, which was seconded by Dr. Spadafino, to approve the recommendations of the CE committee. A vote was taken and the motion passed with all members present voting in favor. The approved courses will be added to the approved listing on the Board's website.

IV. ELECTION OF BOARD OFFICERS

Dr. Krouse closed nominations for president

Dr. Stabile - 6 votes

Dr. Spadafino - 3 votes

Dr. Krouse opened nominations for vice president

Drs.' Calio & Krouse nominated Dr. Spadafino

Dr. Krouse closed nominations for vice president.

Dr. O'Connor - 6 votes

Dr. Spadafino - 3 votes

Secretary

Dr. Winters

Treasurer

Dr. Allen

The nominations for Secretary and Treasurer were approved unanimously.

* Dr. Stabile assumed the chair of the meeting.

* Dr. Stabile thanked Dr. Krouse for his service as the president. The Board gave Dr. Krouse a round of applause.

V. NBCE

A. **INFORMATION CONCERNING ETHICS AND BOUNDARIES EXAM POLICIES**

This was received as information only.

VI. FCLB

A. **FCLB NEWS ALERT**

Kyung P. Yu, D.C. was sentenced to thirty days in jail and three years probation for pleading guilty to a third degree charge of theft by deception (insurance fraud).

* The Board directed the executive director to get an explanation about the incident from the licensee.

VII. APPLICATIONS FOR LICENSURE

A. **CHARLES FERRANTE, D.C. (REINSTATEMENT)**

Dr. Ferrante was suspended by Order of the Board from December 2009 through May 2011. He also submitted information that shows that he has practiced in New York during the time period his license was suspended in New Jersey. This will extend the suspension here through June 2011.

A motion was made by Dr. O'Connor, which was seconded by Dr. Calio, to schedule Dr. Ferrante for an appearance at the June meeting. A vote was taken and the motion passed with all members present voting in favor.

B. **MARK RADOWITZ, D.C. (REINSTATEMENT)**

*** Referred to executive session for advice of counsel.**

C. **ANDREW SZYMANSKI, D.C. (REINSTATEMENT)**

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

D. STEVEN TILL, D.C. (ENDORSEMENT)

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

E. ROMAN KREYMAN, D.C. (ELECTRO-DIAGNOSTIC)

A motion was made by Dr. Calio, which was seconded by Dr. Senatore, to approve Dr. Kreyman's application for electro-diagnostic. A vote was taken and the motion passed with all members present voting in favor.

F. ALEJANDRO HERNANDEZ, D.C. (ELECTRO-DIAGNOSTIC)

A motion was made by Dr. Spadafino, which was seconded by Dr. O'Connor, to approve Dr. Hernandez's application for electro-diagnostic. A vote was taken and the motion passed with all members present voting in favor.

VIII. OPEN DISCIPLINARY MATTERS

A. SIMONE VILAIRE, D.C.

The Board reviewed a Consent Order filed by the Board dated March 24, 2011.

B. ROBERT J. WHITE, D.C.

The Board reviewed an Offer of Settlement filed by the Board, dated April 1, 2011.

C. ROBERT GORDON, D.C.

The Board reviewed an Offer of Settlement filed by the Board, dated April 5, 2011.

D. JASON MITTLEMAN, D.C.

The Board reviewed a Uniform Penalty Letter filed by the Board, dated April 11, 2011 & a Final Decision and Order.

A motion was made by Dr. Calio, which was seconded by Dr. Krouse, to accept all of the open disciplinary matters as informational. A vote was taken and the motion passed with all members present voting in favor.

IX. INQUIRES

A. XERXES OSHIDAR, D.C.

Dr. Oshidar requested that the Board provide a definition of “medically necessary.”

A motion was made by Dr. Winters, which was seconded by Dr. Krouse, to send Dr. Oshidar a letter stating that the Board does not give legal advice, and to refer Dr. Oshidar to a private attorney for counsel and legal advice. A vote was taken and the motion passed with all members present voting in favor.

B. NEW YORK CHIROPRACTIC COLLEGE c/o PETER VanTyle, Esq.

Mr. VanTyle requests an advisory legal opinion concerning the scope of practice.

A motion was made by Dr. O’Connor, which was seconded by Dr. Calio, to send Mr. Van Tyle a letter stating that the Board does not give advisory legal opinions, but rules on matters that come before it. A vote was taken and the motion passed with all members present voting in favor.

C. ANJC c/o JEFFREY RANDOLPH, Esq.

Mr. Randolph requested that the Board promulgate regulations to address several issues involving IME reviews.

The Board President referred the matter to the rules and regulations committee for study and recommendations.

ADJOURNMENT

A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR. O’CONNOR, TO GO INTO EXECUTIVE SESSION AT 10:45 A.M., TO CONSIDER TWO PIC SUMMARIES, FIVE REFERRALS FROM OTHER STATE AGENCIES, FIVE CONSUMER COMPLAINTS AND ONE MISCELLANEOUS MATTER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Jonathan Eisenmenger
Executive Director

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