

**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, MAY 22, 2008**

A meeting of the New Jersey Board of Chiropractic Examiners was held May 22, 2008 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 Albert Stabile Jr., D.C., President of the Board, at 9:45 AM.

ATTENDANCE

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

EXCUSED: Dr. Kostinas

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

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF APRIL 24, 2008

A MOTION WAS MADE BY DR. KROUSE, WHICH WAS SECONDED BY DR. O'CONNOR, TO APPROVE THE PUBLIC SESSION MINUTES OF THE APRIL 24, 2008 MEETING AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. EXECUTIVE DIRECTOR'S REPORT

Executive Director Eisenmenger spoke of reports regarding applications & licenses in which he will provide for the Board members. He also spoke about assigning new members for the Board's committees for the 2008-2009 year.

III. INQUIRIES

A. BELINDA L. BUTERA

The Board reviewed an inquiry by Ms. Butera regarding the rules & regulations of Manipulation Under Anesthesia.

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. RADA TO REFER THIS MATTER TO THE RULES & REGULATIONS COMMITTEE AND TO TABLE THIS MATTER FOR RESEARCH AND DISCUSSION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. CHARLES MIALE, D.C.

The Board reviewed an inquiry submitted by Dr. Miale regarding how to introduce or present himself when dealing with advertisement matters.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. O'CONNOR, TO CAUTION DR. MIALE UNDER N.J.S.A. 13:44E-1.1A: WHILE REPRESENTING HIMSELF AS "D.C." IS FINE, BE CAUTIOUS WITH PRESENTING HIMSELF AS A "DOCTOR" IF HE IS NOT TREATING PATIENTS AS A CHIROPRACTOR. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

IV. APPLICATIONS FOR LICENSURE

A. HOWARD ZEVIN, D.C. (REINSTATEMENT)

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY MR. TRAIER, TO SCHEDULE DR. ZEVIN FOR A FULL BOARD APPEARANCE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. THOMAS A. PECK JR., D.C. (REINSTATEMENT)

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

C. ANGELO DEL VECCHIO, D.C. (INITIAL)

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. SPADAFINO, TO APPROVE DR. DEL VECCHIO'S APPLICATION FOR REINSTATEMENT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH SIX MEMBERS IN FAVOR, TWO ABSTENTIONS (DRS'. RADA & KROUSE) AND ONE OBJECTION(MR. TRAIER).

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. SENATORE, TO SEND A LETTER TO ALL LICENSEES INFORMING THEM OF UNLICENSED PRACTICE WHEN EXPIRED. A VOTE WAS TAKEN ANND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

D. DARREN PORCARO, D.C. (REINSTATEMENT) (Dr. Stabile recused - Dr. Krouse took chair)

A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR. O'CONNOR, TO SCHEDULE DR. PORCARO FOR A PIC MEETING. A VOTE WAS TAKEN AND THE MOTION PASSED WITH EIGHT MEMBERS VOTING IN FAVOR AND ONE ABSTENTION (DR. RADA).

E. MICHAEL MCGURN, D.C. (REINSTATEMENT)

This matter was heard at the April 2008 Board meeting. A motion was made to obtain information from Dr. McGurn regarding his work history, notarized statement from his supervisor and his curriculum vitae. The requested items were received by the Board office on May 13, 2008 and were reviewed at the May 22nd Board meeting.

A MOTION WAS MADE BY MR. TRAIER, WHICH WAS SECONDED BY DR. KROUSE, TO SEND DR. MCGURN A LETTER STATING THAT UNDER N.J.S.A. 13:44E-1A.4(f), IF HE HASN'T BEEN ACTIVELY PRACTICING IN ANOTHER JURISDICTION WITHIN THE PAST 5 YEARS, HE WOULD HAVE TO TAKE THE SPEC EXAM IN ORDER TO OBTAIN APPROVAL FOR REINSTATEMENT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

V. HAND-OUTS

A. PAUL BATTAGLIA, D.C. (INITIAL)

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

B. FCLB REPORT

Drs'. O'Connor & Stabile briefed the Board on events that occurred while he was in Atlanta, GA. for the FCLB conference. He spoke about the newsletter, model framework and the record keeping statute.

This was accepted as informational.

C. BCBS EOB

Dr. Spadafino provided the Board with copies of an "Explanation of Benefit" from Blue Cross Blue Shield that contains a code for "provider wads not certified." The Board discussed this matter at length.

A MOTION WAS MADE BY DR. SPADAFINO, WHICH WAS SECONDED BY DR. KROUSE, TO FORWARD THIS EOB TO D.O.B.I. WITH A RECOMMENDATION TO CHANGE THE CODE TO READ ONLY "CLAIM NOT ELIGIBLE", BASED ON THE CHIROPRACTIC BOARD REGULATIONS, CHIROPRACTORS ARE CERTIFIED AND THE CLAIM WAS WITHIN THE SCOPE OF PRACTICE.

VI. PUBLIC COMMENTS

A. JEFFREY RANDOLPH, ESQ. (ANJC ATTORNEY)

Mr. Randolph stated, on behalf of the ANJC, to the Board that the ANJC did not support or not support any candidates for the recent election of Board officers.

ADJOURNMENT

A MOTION WAS MADE BY DR. SPADAFINO , WHICH WAS SECONDED BY DR. KROUSE, TO GO INTO EXECUTIVE SESSION TO CONSIDER PENDING CONSUMER COMPLAINTS, INSURANCE REFERRALS, ENFORCEMENT BUREAU REPORTS & MISCELLANEOUS MATTERS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Jonathan Eisenmenger
Executive Director