

**STATE OF NEW JERSEY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF CHIROPRACTIC EXAMINERS  
124 HALSEY STREET  
NEWARK, NEW JERSEY  
PUBLIC SESSION MINUTES  
THURSDAY, MAY 23, 2013**

A meeting of the New Jersey Board of Chiropractic Examiners was held on May 23, 2013 at the State Office Building, 124 Halsey Street, 7<sup>th</sup> floor, Newark, New Jersey in the Somerset Room on the 6<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 10:00 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>Excused</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>Present</b>
<b>John Traier</b>	<b>Absent</b>
<b>James L. Winters, D.C.</b>	<b>Excused</b>

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

**PUBLIC COMMENT**

**I. APPROVAL OF THE PUBLIC SESSION MINUTES OF APRIL 25, 2013**

A motion was made by Dr. Spadafino, which was seconded by Dr. Krouse, to approve the public session minutes from the April 25, 2013 meeting as presented. A vote was taken and the motion passed with all members present voting in favor.

**II. CONTINUING EDUCATION COMMITTEE**

The continuing education committee reviewed 68 courses submitted by continuing education sponsors. The committee identified 3 courses where sponsors will be requested to provide additional information. The committee recommended that 3 courses be denied and 62 courses be approved

based on the information submitted for these courses. A motion was made by Dr. Spadafino and seconded by Dr. Stabile, to deny the 3 courses and approve the 62 courses as recommended by the committee. A vote was taken and the motion passed with all members present voting in favor.

### **III. NEW BUSINESS**

Upon a motion made by Dr. Stabile, which was seconded by Dr. Senatore, 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 to vote on the applications for licensure and reinstatement.

#### **A. Application for Chiropractic Licensure**

##### **1. Michael Fernandez, D.C.**

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

##### **2. Tyler Day, D.C.**

A motion was made by Dr. Stabile, which was seconded by Dr. Senatore, to request that Tyler Day appear before a committee of the Board to discuss his application for licensure. A vote was taken and the motion passed with all members present voting in favor.

##### **3. Eric Macia, D.C.**

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

#### **B. Application for Reinstatement**

##### **1. Ellen Thomas, D.C.**

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

##### **2. Eric Pearl, D.C.**

A motion was made by Dr. Stabile, which was seconded by Dr. Senatore, to approve Dr. Pearl's application for reinstatement. A vote was taken and the motion passed with all members present

voting in favor.

C. Application for Electrodiagnostic

1. Randy Hallman, D.C.

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

D. Memorandum from Eric T. Kanefsky, Acting Director

RE: Division of Consumer Affairs Proposed Debt Collection Protocols

On behalf of Eric T Kanefsky, Deputy Director Maryann Sheehan spoke to the Board regarding a plan that the division is trying implement with all Boards to collect outstanding debt owed by licensees that have not payed their fines. Currently the Board of Chiropractic Examiners has outstanding debt in excess of \$496,000 owed by 30 licensees. Mrs. Sheehan explained the proposed plan which will be initiated by the Division's Collections Unit, which will issue delinquency letters.

A motion was made by Dr. Stabile, which was seconded by Dr. Calio, to move forward with the proposed plan to collect the debt from licensees. A vote was taken and the motion passed with all members voting in favor.

E. Inquiry from Sue Ham

RE: Permissible Business Structures

Ms. Ham inquired whether an acupuncturist is allowed to hire a chiropractor at his business.

A motion was made by Dr. Krouse, which was seconded by Dr. Spadafino, to refer Ms. Ham 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.

F. Inquiry from Abraham Sadon, D.C.

RE: Low level laser for cosmetic purposes

Dr. Sadon inquired whether chiropractors are allowed to use low level laser for cosmetic purposes.

A motion was made by Dr. Spadafino, which was seconded by Dr. Stabile, to inform Dr. Sadon that chiropractors can use low level lasers but not for cosmetic purposes. A vote was taken and the motion passed with all members voting in favor.

G. Inquiry from Jeff Clancey, D.C.

RE: Lease Agreement

Dr. Clancey inquired whether he can enter into a Lease Agreement with a company that performs surface NCV and ultrasounds.

A motion was made by Dr. Spadafino, which was seconded by Dr. Stabile to refer Dr. Clancey to the regulations, N.J.A.C. 13:44E-2.15 Permissible practice structures and N.J.A.C.13:44E-2.6 Referral fees. A vote was taken and the motion passed with all members present voting in favor.

- H. Inquiry from A.R. Scopelliti, D.C.  
RE: Functional Neurology

Dr. Scopelliti wrote the Board on behalf of the National Council on Neurology and requested that the Board consider granting specialty status to chiropractors who are certified in neurology.

A motion was made by Dr. Senatore, which was seconded by Dr. Stabile, to inform Dr. Scopelliti that the Board does not grant certifications or recognize specialties. There is nothing that precludes chiropractors from advertising certifications granted through other agencies provided the advertisement identifies the certifying agency. A vote was taken and the motion passed with all members present voting in favor.

- I. Inquiry from Dwight H. Simon Day, Esq.  
RE: Permissible Business Structures

Mr. Simon Day inquired whether his clients, a Medical Doctor and a Radiographer//Technologist could start a Chiropractic office, hiring a Chiropractor as an employee or independent contractor.

A motion was made by Dr. Stabile, which was seconded by Dr. Spadafino, to inform Dr. Day that a Medical Doctor can hire a chiropractor. The Board will also refer Dr. Day 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.

- J. Board Discussion  
RE: Draft Waiver Application for Continuing Chiropractic Education

The Board reviewed a draft waiver application for continuing chiropractic education.

A motion was made by Dr. Spadafino, which was seconded by Dr. Stabile to amend the draft application. The application will be provided to licensees who ask for leniency of the continuing education requirement. A vote was taken and the motion passed with all members present voting in favor.

- K. Inquiry from Jorge Feliz  
RE: Permissible Business Structures

Mr. Feliz inquired whether a Chiropractor can bill for services performed by a Physical Therapist working as an independent contractor at the chiropractor's facility.

A motion was made by Dr. Stabile, which was seconded by Dr. Spadafino to inform Dr. Feliz that the Board does not have enough information concerning the contractual structure of the business relationship to answer his question. A vote was taken and the motion passed with all members present voting in favor.

- L. Inquiry from Todd E. Schragen, D.C.  
RE: Trigger Point Dry Needling

Dr. Schragen inquired whether Trigger Point Dry Needling is within scope of practice for New Jersey Chiropractors.

The Chiropractic Board noted that the New Jersey Acupuncture Examining Board considers trigger point dry needling by any professional other than an acupuncture or a medical doctor to be the unlicensed practice of acupuncture. The unlicensed practice of acupuncture is now a crime of the third degree pursuant to N.J.S.A. 45:2C:21-20.1.

A motion was made by Dr. Stabile, which was seconded by Dr. Senatore, to table this matter while the Board submits a letter to the Division to get a conclusive answer. A vote was taken and Dr. Krouse abstained while all others voted in favor. The motion passed by a majority vote.

- M. Division of Consumer Affairs  
State Board of Medical Examiners  
Acupuncture Examining Board  
Proposed Amendments  
Proposed New Rule  
Proposed Repeals  
- From the April 1, 2013 New Jersey Register

The Board will submit a comment concerning the proposed amendments, proposed new rule and proposed repeals.

#### **IV. BOARD ELECTIONS**

- A. Vice President

Nomination for Vice President has been tabled due to lack of quorum.

**V. OPEN DISCIPLINARY MATTERS**

- A. Consent Order filed on April 29, 2013  
In the matter of Frank G. Belverio, D.C.

A Consent Order was filed by the New Jersey State Board of Chiropractic Examiners on April 29, 2013 in the matter of Frank G. Belevrio, D.C.

**VI. INFORMATIONAL**

- A. Assembly, No. 2882  
(Synopsis - Requires professional boards to provide credits toward requirements for licensure for veterans with substantially equivalent training.)  
- Introduced May 10, 2013

The Board reviewed Assembly, No. 2882 and considered it informational

- B. National Board of Chiropractic Examiners (NBCE)  
Highlights from Annual Meeting

The Board reviewed The Highlights from the Annual Meeting of the National Board of Chiropractic Examiners and considered it informational.

- C. Federation of Chiropractic Licensing Boards  
87<sup>th</sup> Annual Education Congress

The Board reviewed the Federation of Chiropractic Licensing Boards 87<sup>th</sup> Annual Education Congress and considered it informational.

Upon a motion made by Dr. Stabile, which was seconded by Dr. Senatore, the Board voted to go into Executive Session to discuss matters involving investigations of violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Twelve matter filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Ten matters where additional information has been submitted to the Board concerning pending investigations.

**ADJOURNMENT**

The Board returned to Public Session and a motion was made by Dr. Stabile, which was seconded by Dr. Senatore, to adjourn the meeting at 1:30 P.M.. A vote was taken and the motion passed with all members present voting in favor.

Respectfully submitted,

Lisa Tadeo  
Executive Director