

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET
NEWARK, NEW JERSEY**

**PUBLIC SESSION MINUTES
THURSDAY, May 24, 2012 (9:30 A.M.)
SOMERSET ROOM, 6TH FLOOR**

A meeting of the New Jersey Board of Chiropractic Examiners was held on May 24, 2012 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 Albert Stabile Jr., D.C., President of the Board, at 9:45 A.M..

ATTENDANCE

PRESENT: Drs.' Allen, Calio, Krouse, O'Connor, Senatore, Stabile, Spadafino, and Winters

ABSENT: Mr. Traier & Executive Director Jonathan Eisenmenger

ALSO PRESENT: DAG John Hugelmeyer, Executive Director Lisa Affinito, and Recording Secretary Sonya Liverpool

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF APRIL 26, 2012

A motion was made by Dr. Krouse, which was seconded by Dr. Spadafino, to approve the public session minutes of April 26, 2012 as amended. A vote was taken and the motion passed with all members present voting in favor.

II. EXECUTIVE DIRECTOR'S REPORT

A. PROPOSED MEETING DATES (2013)

A motion was made by Dr. Calio, which was seconded by Dr. Allen, to approve the Proposed Meeting Dates for 2013. A vote was taken, and the motion passed with all members present voting in favor.

B. UNIFORM REGULATIONS N.J.A.C. 13:45C-2 AND 3

A discussion regarding waiving only rules & not statutes.

This was considered informational.

III. NBCE

The Board discussed NBCE testing standards.

IV. C.E. COMMITTEE

A motion was made by Dr. Spadafino, which was seconded by Dr. O'Connor, to accept the recommendations of the CE committee. A vote was taken and the motion

passed with all members present voting in favor.

V. APPLICATIONS FOR LICENSURE

A. JESSICA L. KELLEY, D.C. (INITIAL)

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

B. WILLIAM A. COX, D.C. (INITIAL)

A motion was made by Dr. Senatore, which was seconded by Dr. Allen, to request the following information from Dr. Cox, 1) upon completion of recovery, provide proof of medical clearance from doctor. Once proof is provided, schedule Dr. Cox for a Full Board appearance. A vote was taken and Dr. Spadafino and Dr. Calio opposed while all others voted in favor. The motion passed by a majority vote.

C. CHARLES NISIVOCIA, D.C. (REINSTATEMENT)

Dr. Allen stated that Dr. Nisivoccia falsified to the Board that they had done business together in the past.

The Board accepted this as informational.

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

D. THOMAS M. COPELLI, D.C. (ENDORSEMENT)

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

HANDOUTS - Applications

A. CARLA MILLER, D.C. (INITIAL APPLICATION)

A motion was made by Dr. O'Connor, which was seconded by Dr. Krouse, to table the application until a response is received in regards to her resume stating that her license lapsed in 2007, but she did not close her practice until 2010. What was she doing during the time her license was lapsed in Georgia? Are you able to own a practice in Georgia without a license in Georgia? The Executive Director will re-

word the request to reflect the questions that need to be addressed. A vote was taken and the motion passed with all members present voting in favor.

B. JENNIFER PAUL, D.C. (INITIAL APPLICATION)

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

C. KENNETH DeGROOT, D.C. (INQUIRY)

Dr. Groot sent a request to have his license status changed to inactive.

A motion was made by Dr. Senatore, which was seconded by Dr. O'Connor, to approve Dr. DeGroot's request to change his license status to inactive. A vote was taken and the motion passed with all members present voting in favor.

VI. OPEN DISCIPLINARY MATTERS

A. RICHARD CAPACIO, D.C.

The Board reviewed an assessment report/ request & evaluation filed by the Robert Wood Johnson Medical School on May 1, 2012.

This was accepted as informational.

B. SCOTT WHITE, D.C.

The Board reviewed an assessment report/ request & evaluation filed by the Professional Assistance Program on April 1, 2012.

This was accepted as informational.

VII. INQUIRIES

A. JAMES R. FEDICH, D.C.

Dr. Fedich poses the question, "Is it within the scope of practice for Chiropractors in NJ to provide DME service to the patients, specific, but not limited to, tens units and supplies, lumbar orthosis, cervical and lumbar traction equipment, cervical supports and braces?"

A motion was made by Dr. Calio, which was seconded by Dr. Senatore, to refer Dr. Fedich to N.J.S.A. 45:9-14.5 a & c that chiropractors may order & administer physical modalities and N. J.A.C 13:44E-2.7a that chiropractors may order electro-therapy devices for home use. A vote was taken and the motion passed with all members present voting in favor.

B. SEUNG M. LEE, D.C.

A motion was made by Dr. Winters, which was seconded by Dr. Senatore, to inform Dr. Lee that the Board does not give advice on billing , yes - Dr. Lee can hire a Physical Therapist and to refer him to the practice structure regulations N.J.S.A.

13:44E-2.15. A vote was taken and the motion passed with all members present voting in favor.

C. DANIEL FONTANELLA, D.C.

Completed all recommendations of 2005 Final Order & wants to reinstate license.

A motion was made by Dr. O'Connor, which was seconded by Dr. Senatore, to table the request until Dr. Fontanella provides the Board with answers to the following questions: 1) Has he completed all recommendations of the 2005 Final Order?

2) Did he pay the full restitution in the amount of \$500,000.00? 3) Proof of rehab from the crime he was convicted? 4) What is he doing to maintain sobriety? A vote was taken and the motion passed with all members present voting in favor.

HANDOUTS- (Inquiry)

A. RALPH BENCIVENGO, D.C. (INQUIRY)

Dr. Bencivengo inquired about whether or not it is legal to hae an EMG/NCV physician go to his office & pay a monthly rate to do EMG's/NCV's on his patients.

A motion was made by Dr. Senatore, which was seconded by Dr. Spadafino, to table this matter. A vote was taken and the motion passed with all members present voting in favor.

B. NORTHJERSEY.COM (ARTICLE)

The article was in regards to easy health-care credit cards which allegedly put N.J. patients at risk

This was accepted as informational.

ADJOURNMENT

A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR. SENATORE, TO GO INTO EXECUTIVE SESSION AT 10:45 A.M., TO CONSIDER FOUR CONSUMER COMPLAINTS, FIVE REFERRALS FROM OTHER AGENCIES AND TWO OPEN DISCIPLINARY ACTIONS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Jonathan Eisenmenger
Executive Director

/s/