

**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 27, 2010

A meeting of the New Jersey Board of Chiropractic Examiners was held May 27, 2010 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 Krouse, D.C., President of the Board, at 9:45 A.M..

ATTENDANCE

PRESENT: Drs. Stabile, O'Connor, Krouse, Murphy, Calio, Senatore (arrived 10:30 am), Spadafino, Rada and Mr. Traier (arrived 10:00 am)

EXCUSED: None

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

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF MAY 27, 2010

A MOTION WAS MADE BY DR. STABILE, WHICH WAS SECONDED BY DR. O'CONNOR, TO APPROVE THE PUBLIC SESSION MINUTES OF THE APRIL 22, 2010 MEETING AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR WITH ONE ABSTENTION (DR. RADA).

II. EXECUTIVE DIRECTOR'S REPORT

A. BILL No. 936

HANDOUTS

B. Draft 2011 Meeting Schedule

C. Draft committee assignments

A number of changes were made to the committee assignments that were passed out. Dr. Krouse directed that an adhoc committee be created to review files related to ACN and the ASH Network.

Dr. Spadafino and Dr. Calio volunteered to serve on the adhoc committee to review the available information about ACN and the ASH Network. Dr. O'Connor will also provide any additional information available about a court case in Oklahoma.

- D. Bill Comment Request for A2672** - Requires health care professionals to notify patients of end of health benefits coverage during course of treatment in certain circumstances.

A MOTION WAS BY MADE DR. STABLE, WHICH WAS SECONDED BY DR. CALIO, TO SEND A LETTER THAT THE BOARD DOES NOT SUPPORT THIS LEGISLATION WITH THE FOLLOWING REASONING. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Practitioners do not have enough timely information to be able to reliably provide the patient with the notice required by this legislation. The Board suggests that the burden be placed on the insurance company to provide timely information to the patient.

The termination of benefits on a certain course of treatment may be based on the assessment of the insurance carrier, and not the practitioner's decision. For example, the contract may provide for 30 visits, but the carrier may end the course of treatment at 12 or 15 visits based on an internal review. Additionally, insurance companies make determinations retroactively, and do not guarantee payment for chiropractic treatments, even if they were rendered according to the terms of the contract.

The information provided by the carrier in the contract may not be the same information provided by a 3rd Party administrator

The Board would suggest adding an alternative to notify patients if and when they change status from "in-network" to "out-of-network."

III. PIC SCHEDULE

Dr. Rada will address the Board regarding scheduling attendance for upcoming PIC meetings every month.

IV. NATIONAL BOARD OF CHIROPRACTICS EXAMINERS

A. EXECUTIVE COMMITTEE ELECTIONS

This was accepted as informational.

V. FEDERATION OF CHIROPRACTIC LICENSING BOARDS

A. 84TH ANNUAL EDUCATIONAL CONGRESS

This was accepted as informational.

VI. APPLICATIONS FOR LICENSURE

- A. MICHELE A. GARDNER, D.C. (INITIAL)
(Dr. Rada recused)**

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

- B. THOMAS WALASZCZYK, D.C. (ENDORSEMENT)**

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

- C. PETER P. ALONGI, D.C. (REINSTATEMENT)**

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

- D. VINCENT J. IORIO JR., D.C. (REINSTATEMENT)**

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

VII. OPEN DISCIPLINARY MATTERS

- A. JASON MITTLEMAN, D.C.**

The Board reviewed a Uniform Penalty Letter filed by the Board on March 9, 2010.

A MOTION WAS MADE RADA, WHICH WAS SECONDED BY DR. O'CONNOR, TO FINALIZE THE UPL AS WRITTEN. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

- B. ROBERT VALINOTI, D.C.**

The Board reviewed a Certification of Bindi Merchant in Support of a Corrected Order.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. MURPHY, TO APPROVE THE CORRECTION TO THE ORDER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. STEPHEN LOMANTO, D.C.

The Board reviewed an Offer of Settlement filed by the Board on May 11, 2010.

This was accepted as informational.

VIII. INQUIRIES

A. JEFFREY B. ROISTACHER, D.C.

Mr. Roistacher is inquiring about obtaining information, from a local police station, about people who have been involved in automobile accidents.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. O'CONNOR, TO REFER DR. ROISTACHER TO THE APPROPRIATE REGULATIONS AND RECOMMEND THAT HE CONSULT A PRIVATE ATTORNEY TO REVIEW HIS ADVERTISEMENTS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. ROBERT MORONEY, D.C.

Dr. Moroney had an inquiry in regards to the new law. Specifically, he wants to know if it is ok for Chiropractors to use relaxation and detoxification devices as part of their practice.

A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR. O'CONNOR, TO SEND DR. MORONEY A LETTER THAT THE BOARD DOES NOT HAVE ENOUGH INFORMATION ABOUT THE SERVICES DESCRIBED IN THE INQUIRY IN ORDER TO RENDER A DECISION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**C. MARY BLYE HOWE
C/O METRO DOCTORS GROUP**

Ms. Howe owns a chiropractic/ medical referral service. She wanted to make sure she is within the State of NJ ethical & legal boundaries.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. O'CONNOR, TO REFER MS. BLYE-HOWE TO N.J.S.A. 13:44E-2.6, THE BOARD'S REGULATIONS STIPULATE THAT LICENSEES MAY NOT PAY FOR REFERRALS & SEND HER A LETTER THAT THE CONTRACT YOU SUBMITTED WOULD NOT BE PERMITTED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

D. JAY PLOTKIN, D.C.

A MOTION WAS MADE BY DR. STABILE, WHICH WAS SECONDED BY DR. O'CONNOR, TO DENY DR. PLOTKIN'S REQUEST. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

E. HEALTHNET / LANDMARK CLAIMS

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. O'CONNOR, TO OPEN AS AN INVESTIGATION, REQUEST ALL OF THE PATIENT RECORDS (INCLUDING THE RECORDS FROM THE REVIEW DOCTOR.) A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

(Move this matter to Executive Session for advice of counsel)*

IX. MISCELLANEOUS

A. NJ.COM ARTICLE

This was accepted as informational.

X. APPEARANCE OF REGULATORY ANALYST DEBORAH SHANE-HELD

- A. Regulatory Analyst Shane-Held will be providing the Board with recommendations to respond to Executive Order No. 2.**

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. O'CONNOR, TO APPROVE THE RECOMMENDATIONS OF THE REGULATORY ANALYST, EXCEPT THAT 13:44E-3.9(A)(II) WILL BE REMOVED AND DISCUSSED DURING SUNSET REVIEW. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ADJOURNMENT

A MOTION WAS MADE BY DR. SPADAFINO, WHICH WAS SECONDED BY MR. TRAIER, TO GO INTO EXECUTIVE SESSION AT 10:45 A.M., TO CONSIDER ONE PIC SUMMARY, FOUR COMPLAINTS & TWO COMPLAINTS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Jonathan Eisenmenger
Executive Director