

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET, 6TH FLOOR
HUDSON ROOM
NEWARK, NEW JERSEY**

**PUBLIC SESSION MINUTES
THURSDAY, JUNE 16, 2005**

A meeting of the New Jersey Board of Chiropractic Examiners was held on June 16, 2005 at the State Office Building, 124 Halsey Street, 6th floor, Newark, New Jersey. 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 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 Joseph Louro, D.C., President of the Board at 9:55 AM.

ATTENDANCE

PRESENT: Drs. Atkisson, Calio, Kostinas, Louro, O'Connor, Rada, Stabile Mr. Traier and Mr. Faulkner

Dr. Senatore 10:35 AM

EXCUSED: Dr. Murphy

ALSO PRESENT: DAG John Hugelmeyer, Acting Executive Director Joanne Boyer, Assistant to the Acting Executive Director Maria Lado and Venus Hall, Paralegal.

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF MAY 19, 2005

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. O'CONNOR TO ACCEPT THE PUBLIC SESSION MINUTES OF MAY 19, 2005 AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBER PRESENT VOTING IN FAVOR.

II. OLD BUSINESS

A. VIRGINIA FATATO, D.C.
(DAG Nancy Constello Miller Counseled the Board on this matter)

The Board reviewed a request from Dr. Fatato for a modification and/or dismissal of the Provisional Order of Discipline filed with the Board on February 17, 2005.

The Board also reviewed correspondence from John Hugelmeyer, DAG urging the Board to finalize the Order absent a request for a hearing. A copy of the Provisional Order was available for Board review.

A MOTION WAS MADE BY MR. TRAIER WHICH WAS SECONDED BY DR. ATKISSON TO GO INTO EXECUTIVE SESSION TO DELIBERATE IN THIS MATTER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. O'CONNOR TO GO FORWARD WITH THE ORDER ABSENT A REQUEST FOR A HEARING. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. COMMENT TO THE BOARD OF PHYSICAL THERAPY REGULATION PROPOSAL

N.J.A.C. 13:39A-2.5, 5.1, 5.2, 5.3, 5A, 6.2 and 9

The Board reviewed a copy of the comment submitted to the Board of Physical Therapy regarding the above cited proposed regulation.

THE BOARD THANKED DRS ATKISSON, O'CONNOR AND CALIO FOR THE GREAT DEAL OF WORK CONTRIBUTED IN DRAFTING THE COMMENT FOR THIS PROPOSAL. THIS MATTER WAS ACCEPTED AS INFORMATIONAL.

III. NEW BUSINESS

1. TRAVEL TO TREAT

The Board reviewed information submitted from the FCLB regarding travel to treat at sporting events.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. ATKISSON TO HAVE ACTING EXECUTIVE DIRECTOR BOYER CHECK WITH LEGISLATIVE LIAISON GRATH AS TO WHETHER THE BOARD CAN GRANT TEMPORARY LICENSE TO INDIVIDUALS TRAVELING TO NEW JERSEY WITH SPORTS TEAMS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

THE BOARD SCHEDULED A RULES AND REGULATIONS MEETING TO TAKE PLACE ON AUGUST 18, 2005.

2. CORRESPONDENCE OF LEE S. BEFELER, ESQ.

The Board reviewed correspondence from Mr. Befeler regarding CPT Code 98943 and 90901.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. KOSTINAS TO ADVISE MR. BEFELER THAT THE BOARD HAS NO RULES/REGULATIONS PROHIBITING THE USE OF THE CODES LISTED ABOVE WITHIN THE SCOPE OF PRACTICE . A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

THE BOARD'S MOTION WAS MADE AGAINST THE ADVICE OF DEPUTY ATTORNEY GENERAL JOHN HUGELMEYER.

3. UNITED REVIEW SERVICES

The Board reviewed correspondence from Karen Callahan, RN for United Review Services seeking clarification of the Board's rules and regulations regarding a chiropractor performing consultations in the Emergency room.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. KOSTINAS TO ADVISE UNITED REVIEW SERVICES THAT THE BOARD CANNOT MAKE A DETERMINATION IN THIS MATTER BECAUSE THE INFORMATION PROVIDED IS INCOMPLETE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

4. DIMITRIOS C. LAMBROU, D.C.

The Board reviewed correspondence from Dr. Lambrou who is questioning whether the use of diagnostic ultrasound on non-spinal articulations for the diagnosis of soft tissue abnormalities is permitted.

A MOTION WAS MADE BY DR. CALIO WHICH WAS SECONDED BY DR. STABILE TO TABLE THIS MATTER FOR FURTHER RESEARCH. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

5. NJ CURE

The Board reviewed two letters from NJ Cure questioning the treatment of extremity joints by a chiropractor.

A MOTION WAS MADE BY DR. STABILE WHICH WAS SECONDED BY DR. SENATORE TO ADVISE NJ CURE THAT THE BOARD CANNOT GIVE AN OPINION IN THIS MATTER DUE TO THE INFORMATION PROVIDED BEING INCOMPLETE. THE BOARD WILL ONLY MAKE DETERMINATIONS ON A CASE BY CASE BASIS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

IV. ENDORSEMENT APPLICATIONS

GARY STEVENS, D.C.

The Board reviewed an endorsement application submitted by Dr. Gary Stevens. Dr. Stevens is a 1991 graduate of Parker College of Chiropractic and is currently licensed in Texas. A review of CIN-BAD indicates that there are no disciplinary actions on file.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. KOSTINAS TO GRANT DR. STEVENS A LICENSE THROUGH ENDORSEMENT UPON THE SUCCESSFUL COMPLETION OF THE JURISPRUDENCE EXAMINATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

V. ELECTRODIAGNOSTIC TESTS AND SPECIAL EXAMINATIONS PERMIT

The Board reviewed applications for electrodiagnostic tests and special examinations for the following licensees:

PAUL A. BABITZ, D.C.

HARRY CHAMBARRY, D.C.

JOSEPH W. HUDAK, D.C.

DENNIS J. HUPKA, D.C.

DIMITRIOS C. LAMBROU, D.C.

ROBERT LAMBROU, D.C.

EDWARD LUBRANO, III, D.C.

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. STABILE TO ACCEPT THE APPLICATIONS FOR ELECTRODIAGNOSTIC TESTS AND SPECIAL EXAMINATIONS OF ALL THE CANDIDATES LISTED ABOVE. A MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VI. MISCELLANEOUS ITEMS

HONOR CODE

Submitted for Board review and consideration is a document prepared by Board Member Rosemary Calio, D.C. to be sent to all applicants prior to sitting for the jurisprudence examination. The document is an agreement to uphold the high standards of integrity and honesty of the Chiropractic profession during the testing period and throughout their careers.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. SENATORE TO ACCEPT THIS DOCUMENT AS PRESENTED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ADJOURNMENT

A MOTION WAS MADE BY DR. STABILE WHICH WAS SECONDED BY MR. TRAIER TO GO INTO

EXECUTIVE SESSION TO CONSIDER PENDING INVESTIGATIONS, CONSUMER COMPLAINTS AND DISCIPLINARY MATTERS. THE MEETING WAS ADJOURNED AT 11:30 AM. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.