

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, JULY 24, 2008

A meeting of the New Jersey Board of Chiropractic Examiners was held June 26, 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 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 9:30 AM.

ATTENDANCE

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

EXCUSED: Drs.' Murphy & Spadafino

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

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF JUNE 26, 2008

A MOTION WAS MADE BY DR. KROUSE, WHICH WAS SECONDED BY MR. TRAIER, TO APPROVE THE PUBLIC SESSION MINUTES OF THE JUNE 26, 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 referred the Board to a letter which was sent from Waldron & Company in regards to hiring of the new CCE Executive Director Lee Van Dusen. He also reported on the number of applicants & new licensees from the 07'-08' Fiscal Year The Board accepted this letter as informational.

III. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS

Dr. Rada discussed a number of issues regarding the NBCE. She spoke in regards to the website's progression, annual conference, by-laws & the changing of the eligibility policy for colleges in regards to Parts I-IV.

IV. COMMITTEE REPORTS

A. AD-HOC COMMITTEE

The Ad-Hoc Committee reported on a meeting held on July 17, 2008 and presented a draft letter concerning Managed Care protocols. Dr. Krouse noted that there were many good points, but that the Board needed to have documentation for each point. The Board will attempt to obtain more data and contact other state boards to see how they have addressed the issue of Managed Care protocols.

V. BEDFORD V. RIELLO, D.C.

The Board reviewed the Supreme Court decision (syllabus), Star Ledger articles and the Asbury Park Press. The Ad-Hoc Committee also presented a chronology of events that details the Board's responses to the Bedford case since April 2007.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. O'CONNOR, TO APPROVE THE COMMITTEE'S LETTER AND POST IT ON THE CHIROPRACTIC BOARD'S WEBSITE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VI. OPEN DISCIPLINARY MATTERS

A. DAVID G. HARRIS, D.C.

The Board reviewed the fourth quarterly status report regarding Dr. Harris, dated July 10, 2008, submitted by Affiliated Monitors Inc..

A MOTION WAS MADE BY DR. KOSTINAS, WHICH WAS SECONDED BY DR. SENATORE, TO REQUEST AFFILIATED MONITORS TO CONDUCT AN UNANNOUNCED SITE VISIT, GET INFORMATION ABOUT DR. SMITH & INFORM AFFILIATED MONITORS THAT JEFFREY RANDOLPH, ESQ., NOW REPRESENTS DR. HARRIS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. PAUL ROSES, D.C.

The Board reviewed a follow-up letter dated July 8, 2008 regarding Dr. Roses' essay while attending the ProBE program from the Center for Personalized Education for Physicians.

This was accepted as informational.

C. SCOTT WHITE, D.C.

The Board reviewed a letter regarding Dr. White's quarterly status report dated June 30, 2008, submitted by the Professional Assistance Program of NJ.

A MOTION WAS MADE BY DR. KROUSE, WHICH WAS SECONDED BY DR. KOSTINAS, TO CONFIRM DR. WHITE'S STATUS WITH THE PROFESSIONAL ASSISTANCE PROGRAM AND AUTHORIZE REFERRAL TO PROSECUTION FOR REVOCATION IF HE WILL NOT COMPLY WITH THE TERMS OF THE ORDER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

D. SHARON AYERS, D.C. (HAND-OUT)

A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR. O'CONNOR, TO AMEND THE " COSTS" BY REDUCING THE PARALEGAL HOURS BY 10. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VII. INQUIRIES

A. WINSTON CHRISTIE-BLICK C/O McCOMICK & O'BRIEN L.L.P.

Mr. Christie-Blick submitted an inquiry asking, "Is it possible for a non-licensed office manager to own a chiropractic practice in NJ?"

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KOSTINAS, TO SEND A LETTER TO MR. CHRISTIE-BLICK GIVING AN ANSWER TO HIS INQUIRY AS "NO", IT IS NOT POSSIBLE FOR AN UNLICENSED OFFICE MANAGER TO OWN A CHIROPRACTIC

PRACTICE PURSUANT TO N.J.A.C. 13:44E-2.15. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. JUDITH T. SCHLISSEL

Ms. Schlissel inquired whether or not it was necessary for NJ doctors to have a malpractice insurance policy of \$1 million per occurrence and \$3 million per policy year.

A MOTION WAS MADE BY DR. SENATORE, WHICH WAS SECONDED BY MR. TRAIER, TO SEND A LETTER ANSWERING MS. SCHLISSEL'S INQUIRY AS "NO, IT IS NOT REQUIRED FOR CHIROPRACTORS." A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VIII. APPLICATIONS FOR LICENSURE

A. STEVE V. COLACURCIO, D.C. (INITIAL) - APPEARANCE 10:00A.M.

Dr. Colacurcio appeared before the Board to discuss concerns regarding his criminal history. He appeared together with Dr. Beachrum and his father Steve Colacurcio, Sr., who spoke on his behalf in closed session.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. KROUSE, TO GO INTO EXECUTIVE SESSION TO DELIBERATE ON THE MATTER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY MR. TRAIER, TO GO BACK INTO PUBLIC SESSION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY MR. TRAIER, WHICH WAS SECONDED BY DR. KROUSE, TO APPROVE DR. COLACURCIO'S APPLICATION FOR LICENSURE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. ALIREZA MAHYAR, D.C. (INITIAL)

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KROUSE, TO APPROVE DR. MAHYAR'S APPLICATION FOR LICENSURE AND TO SEND HIM A LETTER OF ADVICE THAT HE SHOULD HAVE DISCLOSED INFORMATION REGARDING ANY CRIMINAL HISTORY. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. HANK FINKEL, D.C. (INITIAL) FOLLOW-UP

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

D. JOHN C. KING, D.C. (ENDORSEMENT)

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. SENATORE, TO TABLE THIS MATTER UNTIL FURTHER INFORMATION IS OBTAINED FROM THE OHIO STATE BOARD OF CHIROPRACTORS REGARDING THE STATE'S PRACTICAL EXAMINATION DURING THE TIME DR. KING GOT LICENSED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ADJOURNMENT

A MOTION WAS MADE BY MR. TRAIER , WHICH WAS SECONDED BY DR. RADA, TO RECONSIDER & RE-APPROVE PLACING THE COMMITTEE'S LETTER ABOUT THE BEDFORD DECISION ON THE WEBSITE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH SIX MEMBERS VOTING IN FAVOR AND ONE OPPOSED (DR. CALIO).

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. O'CONNOR, TO GO INTO EXECUTIVE SESSION TO CONSIDER TWO PENDING CONSUMER COMPLAINTS, THREE REFERRALS FROM OTHER AGENCIES AND THREE PIC SUMMARIES. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Jonathan Eisenmenger
Executive Director