

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET
NEWARK, NEW JERSEY
PUBLIC SESSION MINUTES
THURSDAY, JULY 25, 2013**

A meeting of the New Jersey Board of Chiropractic Examiners was held on July 25, 2013 at the State Office Building, 124 Halsey Street, 7th floor, Newark, New Jersey in the Essex Room on the 7th 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 James L Winters, D.C., Treasure of the Board, at 9:45 A.M. A roll call was taken and the following attendance was recorded and a quorum was present:

David A. Allen, D.C.	Present [Arrived at 10:15 a.m.]
Rosemary Calio, BSN, RN, D.C.	Present
Michael Krouse, D.C.	Present
Lawrence O'Connor, D.C.	Present
Thomas A. Senatore, Sr., D.C.	Present
Michael Spadafino, D.C.	Present
Albert Stabile, Jr., D.C.	Present
John Traier	Absent
James L. Winters, D.C.	Present

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

PUBLIC COMMENT

I. APPROVAL OF THE PUBLIC SESSION MINUTES

A. May 23, 2013

A motion was made by Dr. Spadafino which was seconded by Dr. Stabile, to approve the public session minutes from the May 23, 2013 meeting as presented. A vote was taken and the motion passed with all members voting in favor.

B. June 27, 2013

A motion was made by Dr. Spadafino which was seconded by Dr. Stabile, to approve the public session minutes from the June 27, 2013 committee meeting as presented. A vote was taken and the motion passed with all members voting in favor.

II. CONTINUING EDUCATION COMMITTEE

The continuing education committee reviewed 109 courses submitted by continuing education sponsors. The committee recommended that 7 courses be denied and 102 courses be approved based on the information submitted for these courses. A motion was made by Dr. Stabile and seconded by Dr. O'Connor, to deny the 7 courses and approve the 102 courses as recommended by the committee. A vote was taken and motion passed with all members present voting in favor.

The Board determined that attendance and participation at Federation of Chiropractic Licensing Boards (FCLB) meetings qualifies for continuing education credits. A maximum of 12 credits may be earned for attending and participating in the national FCLB meetings, not the regional meetings. The Board also determined that credits could be earned in the following subject areas: jurisprudence, ethics and documentation.

The Board determined that being an examiner/teacher at a National Board examination qualifies for continuing education credits. A maximum of 6 credits per examination and a maximum of 12 credits per biennial renewal period can be earned for being an examiner/teaching at a National Board examination.

III. NEW BUSINESS

Upon a motion made by Dr. Stabile, which was seconded by Dr. O'Connor, 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. Daniel E. Mutter

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

2. Peter J. Sansone (Endorsement)

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to approve Dr. Sansone's application for licensure. A vote was taken and Dr. Calio opposed while all others voted in favor. The motion passed by a majority vote.

3. Curtis D. Blumentha (Endorsement)

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

B. Application for Reinstatement

1. John Jaeger, D.C.

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, that Dr. Jaeger be required to take and pass the Special Purposes Examination for Chiropractic (SPEC) as he has not practice chiropractic in five years. A vote was taken and the motion passed with all members present voting in favor.

2. Salil Malhotra, D.C.

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

C. Inquiry from Philip Falzarano, D.C.
RE: Continuing Education

Dr. Falzarano asked the Board if he could be exempt from the continuing education requirement this biennial renewal period due to his medical condition.

A motion was made by Dr. O'Connor, which was seconded by Dr. Calio, that Dr. Falzarno provide the Board with a letter from his treating physician concerning the status of his medical condition, then the Board could grant an exemption. A vote was taken and the motion passed with all members voting in favor.

D. Inquiry from Mark Studin, D.C.
RE: N.J.A.C. 13:44E-2.6 (b)

Dr. Studin inquired whether a licensed chiropractor in the State of New Jersey is allowed to threaten a carrier to report them to the Attorney General's office and their hired doctor for a possible misconduct violation.

A motion was made by Dr. Spadafino, which was seconded by Dr. O'Connor, that Dr. Studin be advised that a complaint can be made to the New Jersey state board of Chiropractors by anyone who feels there has been a violation of the statutes and/or regulations. The Board will also provide Dr. Studin with the website link to the Healthcare Reporting requirements. A vote was taken and the motion passed with all members voting in favor.

- E. Assembly, No. 4046
Synopsis ("Naturopathic Doctors Licensing Act.")
- Introduced May 6, 2013

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, that the Board advise the Division of Consumer Affairs legislative liaison that the Board has no comment. A vote was taken and the motion passed with all members voting in favor.

- F. Inquiry from Logan College of Chiropractic
RE: Continuing Education

Barb Cronin of Logan College made an inquiry whether there was any preference to using electronic scanners for sign in/out as opposed to actual paper sign in/out sheets.

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, that continuing education sponsors can use electronic scanners for an attendees sign in/sign out. A vote was taken and the motion passed with all members present voting in favor.

- G. Inquiry from Michael A. Sabia, D.C.
RE: Continuing Education

Dr. Sabia made an inquiry, proposing that the Board waive the continuing education courses necessary for renewal for anyone who has been practicing for 50 years or more.

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, that Dr. Sabia be advised that he must complete the continuing education requirements as the statutes and regulations are non-discriminatory and applied to all licensees. A vote was taken and the motion passed with all members voting in favor.

- H. Inquiry from Robert DeStefano, D.C.
RE: Continuing Education

Dr. DeStefano requested an extension to complete the continuing education requirement as he works seven days a week and has a very busy schedule.

A motion was made by Dr. Stabile, which was seconded by Dr. Winters, that Dr. DeStefano's request be denied as licensees had three years to complete the continuing education requirement for this biennial renewal period and the Board does not grant extensions due to busy work schedules. A vote was taken and the motion passed with all members voting in favor.

- I. Inquiry from Martin Miller, D.C.
RE: Jurisprudence test results

Dr. Miller failed the jurisprudence exam twice and is disputing his results of the test.

A motion was made by Dr. O'Connor, which was seconded by Dr. Winters, that Dr. Miller take the jurisprudence exam again. Dr. Miller will need to pass the jurisprudence exam in order to meet all of the requirements for licensure. A vote was taken and the motion passed with all members voting in favor.

- J. Inquiry from Carlos Betancur, C.C.
RE: Continuing Education

Dr. Betancur informed the Board that he was licensed in January of 2013 and asked whether he needed to complete the required 30 continuing education credits.

A motion was made by Dr. O'Connor, which was seconded by Dr. Calio, to advise Dr. Betancur that he only needs to complete 15 of the 30 continuing education credits for this biennial renewal period which ends on August 31, 2013 as he was licensed in the second half of the biennial renewal period. A vote was taken and the motion passed with all members voting in favor.

- K. Inquiry from Donna Hogan from Travelers Insurance
RE: Deductibles and Copayments

Ms. Hogan inquired whether there is a specific statute or regulation that requires a chiropractic physician to collect deductibles and co-payments from patients.

A motion was made by Dr. O'Connor, which was seconded by Dr. Winters, that the Board's statutes or regulations do not address the collection of deductibles and co-payments. The Board will inform Ms. Hogan that perhaps another agency can address her concerns such as the Department of Banking and Insurance. A vote was taken and the motion passed with all members voting in favor.

- L. Inquiry from David Bauer, D.C.
RE: Continuing Education

Dr. Bauer inquired whether the credits from a course he took on Manipulation Under Anesthesia on January 28th, 29th and 30th 2010 can be counted towards the required 30 continuing education credits.

The Board noted that this course was not pre-approved by the Board.

A motion was made by Dr. Spadafino, which was seconded by Dr. Winters, that licensees who are selected to participate in the continuing education audit can submit courses that have not been pre-approved by the Board and the Board will determine at that time on a case by case basis whether the course or courses meet the continuing education requirements and may be granted credit. The licensee will need to contact the course sponsor in order to obtain the supporting documentation the course(s). In the event the Board grants partial credit or does not grant any credit for the course or courses that a licensee has submitted, the Board will provide the licensee with an allotted time frame that the deficient credits must be completed. A vote was taken and the motion passed with all members present voting in favor.

- M. Inquiry from Richard E. Glass, D.C.
RE: Medical Leave forms

Dr. Glass submitted an inquiry regarding medical leave forms that he filled out and submitted for two of his patients that were rejected.

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to advise Dr. Glass that the Board cannot address his letter as written due to insufficient information. Dr. Glass must clarify his question/concerns. A vote was taken and motion passed with all members voting in favor.

IV. OLD BUSINESS

- A. 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 reviewed the Acupuncture Examining Board's proposed amendments, proposed new rule and proposed repeals. The Chiropractic Board Examiners will provide comments concerning the proposed amendments and proposed new rule to the Acupuncture Examining Board.

- B. Board Discussion with Elizabeth Greenblatt, Regulatory Analyst, and Maryann Sheehen, Deputy Director of the Division of Consumer Affairs
RE: Sunset of Regulations

Under Public Law 2011 Chapter 45 the five year sunset period for regulations has now been extended to seven years. Regulations expire every seven years instead of every five years. The New Jersey State Board of Chiropractic Examiners regulations were to expire on December 22, 2011 and will now expire on December 22, 2013.

A committee of the Board will review the New Jersey State Board of Chiropractic Examiners regulations with Regulatory Analyst Elizabeth Greenblatt.

V. BOARD ELECTIONS

- A. Vice President

This matter is tabled.

VI. OPEN DISCIPLINARY MATTERS

- A. Professional Assistance Program Report
RE: Peter Simmons, D.C.
Interim Consent Order Filed July 18, 2012

The Board reviewed a report from Louis E. Baxter, M.D. dated June 25, 2013 concerning Dr. Simmons's continued compliance with the Interim Consent Order filed July 18, 2012 and his monitoring plan with the Professional Assistance Program of New Jersey.

VII. INFORMATIONAL

- A. Chiropractic Care Available to All Veterans Act

The Board reviewed Chiropractic Care Available to All Veterans Act and considered it to be informational.

Upon a motion made by Dr. O'Connor, which was seconded by Dr. Spadafino, 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. Twenty-five matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.

2. Sixteen 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. O'Connor, which was seconded by Dr. Winters, to adjourn the meeting at 1:00 P.M. A vote was taken and the motion passed with all members voting in favor.

Respectfully submitted,

Lisa Tadeo
Executive Director