

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

**PUBLIC SESSION MINUTES  
THURSDAY, JULY 26, 2012**

A meeting of the New Jersey Board of Chiropractic Examiners was held on July 26, 2012 at the State Office Building, 124 Halsey Street, 7<sup>th</sup> floor, Newark, New Jersey in the Somerset room on the 6<sup>th</sup> 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 Albert Stabile, Jr., D.C., President of the Board, at 10:00 A.M. A roll call was taken and the following attendance was recorded and a quorum was present:

<b>David A. Allen, D.C.</b>	<b>Excused</b>
<b>Rosemary Calio, BSN, RN, D.C.</b>	<b>Present</b>
<b>Michael Krouse, D.C.</b>	<b>Present</b>
<b>Lawrence O'Connor, D.C.</b>	<b>Present</b>
<b>Thomas A. Senatore, Sr., D.C.</b>	<b>Excused</b>
<b>Michael Spadafino, D.C.</b>	<b>Present</b>
<b>Albert Stabile, Jr., D.C.</b>	<b>Present</b>
<b>John Traier</b>	<b>Absent</b>
<b>James L. Winters, D.C.</b>	<b>Present</b>

Also present were: **John Hugelmeyer, Deputy Attorney General; Jonathan Eisenmenger, Executive Director and Lisa Affinito, Executive Director**

**I. APPROVAL OF THE PUBLIC SESSION MINUTES OF JUNE 21, 2012**

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, to approve the public session minutes of the June 21, 2012 meeting as amended. A vote was taken and the motion passed with all members present voting in favor.

**II. EXECUTIVE DIRECTOR'S REPORT**

**III. CE COMMITTEE**

The continuing education committee held a conference call on Tuesday, July 24, 2012 and reviewed 289 courses submitted by continuing education sponsors. The committee identified 6 courses where sponsors will be requested to provide additional information and 1 course which will be put on a future agenda for discussion by the full Board. The committee recommended that 6 courses be denied and 276 courses be approved based on the information submitted for these courses. A motion was made by Dr. O'Connor and seconded by Dr. Spadafino to deny the 6 courses and approve the 276 courses as recommended by the committee. A vote was taken and the motion passed with all members present voting in favor.

The Board also discussed the role of sponsors and certain products in continuing education courses. The Board was not in favor of granting continuing education credits for course sessions where certain sponsors and/or products were being promoted.

**IV. NBCE**

The Board discussed the National Board of Chiropractic Examiners (NBCE) testing standards.

## **V. FCLB**

Dr. O'Connor reported on developments with the Federation of Chiropractic Licensing Boards (FCLB) membership, including the invitation of several international partners. There was some discussion about the challenges that applicants from foreign countries have with obtaining a license to practice chiropractic in New Jersey.

### **A. CHIROPRACTIC COUNCIL OF EDUCATION**

The Board reviewed correspondence dated July 16, 2012 concerning the appointment of Tom Benberg, Ed.D. as President/CEO of the Council on Chiropractic Education

The Board President appointed a committee of the Board to investigate the feasibility of promulgating regulations to license and/or certify chiropractic assistants. The committee consists of Dr. Calio, Dr. Krouse and Dr. O'Connor.

## **VI. APPLICATIONS FOR LICENSURE**

### **A. CARLA J. MILLER, D.C. (INITIAL)**

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

### **B. DANIEL FONTANELLA, D.C. (Request for reinstatement)**

A Final Order of Discipline was filed on March 3, 2005 by the New Jersey State Board of Chiropractic Examiners revoking Daniel Fontanella's New Jersey Chiropractic license. Dr. Fontanella is seeking the reinstatement of his license.

A motion was made by Dr. O'Connor, which was seconded by Dr. Winters, to request that Dr. Fontanella provide the Board with a current letter from his probation officer concerning the status of his probation, including the current balance of his restitution and penalties, and any payment plan that he has made with the State. A vote was taken and the motion passed with all members present voting in favor.

### **C. THOMAS C. KEATING, D.C. (INITIAL)**

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

### **D. RICHARD S. CAPACIO, D.C. (REINSTATEMENT)**

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

**E. DEBRA J. GAROFALO, D.C. (REINSTATEMENT)**

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

**F. JEROLD KAMINSKY, D.C. (REINSTATEMENT)**

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

**G. BRUCE R. BRILLIANTINE, D.C. (REINSTATEMENT)**

A Consent Order was filed on November 17, 1994 by the New Jersey State Board of Chiropractic Examiners whereby Bruce R. Brilliantine's New Jersey Chiropractic license was surrendered. Dr. Brilliantine is seeking the reinstatement of his license.

A motion was made by Dr. Calio, which was seconded by Dr. Winters, to inform Dr. Brilliantine that he must provide the Board with proof that he has complied with all the terms of the Consent Order as well as proof of completion of the continuing education requirement. Dr. Brilliantine will also need to take and pass the Special Purpose Examination for Chiropractic administered by the National Boards of Chiropractic Examiners. Dr. Brilliantine will then be scheduled to appear before the Board concerning his request for reinstatement. A vote was taken and the motion passed with all members present voting in favor.

**H. ALBERT CHIARMONTI, DC (REINSTATEMENT)**

A motion was made by Dr. Spadafino, which was seconded by Dr. O'Connor, to schedule Dr. Chiarmoni for an appearance before the full Board to discuss his reinstatement application and his work history. A vote was taken and the motion passed with all members present voting in favor.

**I. LORI ANN SINIGALLI (INITIAL)**

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

**VII. INQUIRIES**

**A. GENE BOUCHER, D.C.**

Dr. Boucher submitted an email inquiry concerning how chiropractors may conduct and interpret electroneurodiagnostic tests. Specifically, whether chiropractors may also interpret such data if the testing was performed for the purpose of neurophysiologic intraoperative monitoring.

A motion was made by Dr. Calio, which was seconded by Dr. O'Connor, to inform Dr. Boucher that based on the description he provided in his inquiry, it does not appear to be the practice of chiropractic. The Board will further advise Dr. Boucher that the Chiropractic regulations and the proposed chiropractic regulations permit chiropractors to conduct nerve conduction velocity studies and other electrodiagnostic tests in conjunction with chiropractic care.

**B. AL ORLANDI, DEPT. OF ENVIRONMENTAL PROTECTION**

Mr. Orlandi inquired whether licensed chiropractors may operate fluoroscopic x-ray equipment during a pain management procedure, which is being performed by a licensed medical physician. This matter was tabled at the April 2012 Board meeting, in order for the D.A.G. John Hugelmeier to conduct further research on the laws and regulations. After the Board reviewed a draft response prepared by D.A.G. John Hugelmeier, a motion was made by Dr. O'Connors, which was seconded by Dr. Winters, to approve the draft response. The response directs Mr. Orlander to relevant portions of the regulations. Specifically, there must be an established doctor/patient relationship, and the chiropractor must be properly trained. A vote was taken and the motion passed with all members voting in favor.

**VIII. OPEN DISCIPLINARY MATTERS**

**A. LAWRENCE PETRACCO, D.C.**

The Board will review a Uniform Penalty Letter issued April 27, 2012, which would require Dr. Petracco to cease and desist from the conduct and pay the Board's investigatory costs.

Paul Werner, Esq., appeared before the Board concerning the outstanding response to the Uniform Penalty Letter. Mr. Werner requested that the Board postpone the entry of a default until the September meeting so that he can encourage his client to definitively respond to the Uniform Penalty Letter.

A motion made by Dr. Spadafino, which was seconded by Dr. Krouse, postpone the entering of a default until the close of business on Friday, August 10, 2012. Dr. Petracco must submit a signed uniform penalty letter, with the payment of the Board's costs, by that time, or the default will be entered. A vote was taken and the motion passed with all members voting in favor.

**B. SHEILA BURKE, D.C.**

An Interim Consent Order was filed on January 31, 2011 by the New Jersey State Board of Chiropractic Examiners whereby Sheilla Burke voluntarily surrendered her New Jersey Chiropractic license pending the outcome of a criminal matter.

The Board reviewed an evaluation from the Professional Assistance Program dated May 31, 2012. A motion was made by Dr. Calio, which was seconded by Dr. Spadafino, to inform Dr. Burke that she may apply for the reinstatement of her license. A vote was taken and the motion passed with all members present voting in favor.

Upon a motion made by Dr. Winters, 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. Nine matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Five 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. Winters, which was seconded by Dr. Spadafino, to adjourn the meeting at 11:10 A.M. A vote was taken and the motion passed with all members voting in favor.

Respectfully submitted,

Lisa Affinito  
Executive Director