

**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, SEPTEMBER 22, 2011

A meeting of the New Jersey Board of Chiropractic Examiners was held September 22, 2011 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 A.M..

ATTENDANCE

PRESENT: Drs.' Allen, Calio, Krouse, Senatore, Stabile, Spadafino

EXCUSED: Drs.' O'Connor, Winters and Mr. Traier

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

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF JULY 28, 2011

A motion was made by Dr. Spadafino, which was seconded by Dr. Allen, to approve the public session minutes of the July 28, 2011 meeting as amended. A vote was taken and the motion passed with all members present voting in favor.

II. EXECUTIVE DIRECTOR'S REPORT

The Executive Director gave an update on the renewal process, which is currently in the last week of the late renewal period.

A. SECOND QUARTER REPORT (APRIL 1, 2011-JUNE 30, 2011)

B. DEPARTMENT OF BANKING & INSURANCE PROPOSAL REGARDING PIP REIMBURSEMENT

The Board President appointed an Ad-Hoc Committee (Drs.' Allen, Calio, Krouse and Stabile) to develop the Board's response to the proposed regulations and submit it by the deadline.

A motion was made by Dr. Spadafino, which was seconded by Dr. Calio, to have the Board authorize the Ad-Hoc Committee, to submit comments about the regulations on behalf of the Board. A vote was taken and the motion passed with all members present voting in favor.

III. C.E. COMMITTEE

A. RECOMMENDATIONS OF THE CE COMMITTEE MEETING HELD ON AUGUST 30, 2011

B. RECOMMENDATIONS OF THE CE COMMITTEE MEETING HELD ON SEPTEMBER 21, 2011 (HANDOUT)

A motion was made by Dr. Senatore, which was seconded by Dr. Spadafino, to approve the recommendations of the CE committee. A vote was taken and the motion passed with all members present voting in favor.

IV. OPEN DISCIPLINARY MATTERS

A. MICHAELENE CALLAHAN, D.C.

The Board reviewed an evaluation report filed by CPEP on August 12, 2011.

This was received as informational.

B. DAVID N. RENDELSTEIN, D.C.

The Board reviewed a Uniform Penalty Letter (UPL) filed by the Board on August 26, 2011.

This was received as informational.

C. JAMES APITO, D.C.

The Board reviewed an evaluation report filed by PAP on August 4, 2011.

This was received as informational.

V. INQUIRIES

A. LINDA H. JOSEPH, ESQ., ON BEHALF OF D'YOUVILLE COLLEGE

A request to appear before the Board to discuss the recent approval of the chiropractic curriculum at D'Youville College.

A motion was made by Dr. Calio, which was seconded by Dr. Senatore, to schedule an appearance at the October meeting. A vote was taken and the motion passed with all members present voting in favor.

B. JEFFREY M. TANZMAN, D.C.

A request for a refund of licensing fee. Dr. Tanzman states that he sold his practice and moved to Israel in August.

A motion was made by Dr. Spadafino, which was seconded by Dr. Allen, to approve the refund of Dr. Tanzman's licensing fee. A vote was taken and the motion passed with all members present voting in favor.

C. DANIEL E. GOLDEN, D.C.

An inquiry regarding whether chiropractors may order ultrasounds of the kidneys.

A motion was made by Dr. Calio, which was seconded by Dr. Senatore, to state he can order the ultrasound of the kidney, but not perform it. The ultrasound must be read by an appropriately trained practitioner or a radiologist, and you must follow the protocol for an appropriate referral if there is a positive finding. A vote was taken and the motion passed with all members present voting in favor.

D. RAYMOND DEFELICE, D.C.

An inquiry regarding providing complimentary services to victims of flooding.

A motion was made by Dr. Senatore, which was seconded by Dr. Spadafino, to respond that there is nothing wrong with providing these services, but if he advertises these services, he must follow all of the regulations, including placing a value on the services that are offered for free, or for a discount. A vote was taken and the motion passed with all members present voting in favor.

VI. MISCELLANEOUS

A. NEWS ARTICLE THAT APPEARED IN THE BERGEN RECORD ON SUNDAY AUGUST 7, 2011: “What the New Car Insurance Rules Mean For N.J.”

The Board President directed that Dr. Allen draft a response to share with the Board at the October meeting.

VII. APPLICATIONS FOR LICENSURE

A. JEFFREY M. DAVIS, D.C. (REINSTATEMENT)

A motion was made by Dr. Senatore, which was seconded by Dr. Calio, to reinstate with conditions - continue monitoring with the PAPNJ, and any relapse will result in an automatic suspension of his license for a period of at least three years. A vote was taken and the motion passed with all members present voting in favor.

B. PHILIP RAUL ESTRADA, D.C. (INITIAL)

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

**C. ANTHONY VICHETO, D.C. - (ENDORSEMENT)
11:00 A.M. APPEARANCE**

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

PUBLIC COMMENT

Steven Clarke, D.C.

- What kind of process is in place to report a medical doctor who is in violation of the Board's scope of practice statute?

DAG Hugelmeyer

-stated that such a complaint should be submitted to the Board, and will be handled like any other complaint.

ADJOURNMENT

A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR. SENATORE, TO GO INTO EXECUTIVE SESSION AT 11:00 A.M., TO CONSIDER TWO PIC SUMMARIES, SEVEN REFERRALS FROM OTHER STATE AGENCIES, SEVEN CONSUMER COMPLAINTS, TWO OPEN COMPLAINTS AND TWO MISCELLANEOUS MATTERS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Jonathan Eisenmenger
Executive Director

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