

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 25, 2008

A meeting of the New Jersey Board of Chiropractic Examiners was held September 25, 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, Spadafino and Mr. Traier

EXCUSED: Dr. Murphy

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

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF JULY 24, 2008

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. RADA, TO APPROVE THE PUBLIC SESSION MINUTES OF THE JULY 24, 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 Jonathan Eisenmenger referred the Board to a hand-out regarding the current summary count of licensees by license status in NJ. He then reported on a meeting he attended with the ANJC & David Szuchman, Director of NJ Consumer Affairs. The meeting reflected on big concerns about reimbursement from insurance companies for physical modalities within the scope of practice. Requested consideration for several regulatory changes /updates included school/sports physicals, suggestions for record keeping rules, defining what causal nexus is (as a result of the Bedford decision) were also discussed at that meeting.

**Comment from Sig Miller- ANJC has a new committee and is working with ACN & DOBI to work out new procedures for chiropractors to use. There was a discussion regarding the need for help to do a survey for the ASH Network letter to be sent to the Department of Banking & Insurance(DOBI).

10:10AM - Appearance of Lawrence DeMarzo & Robert Campanelli (Director's Office)

They both thanked the Board for their work & then went on to discuss the issues at hand:

- Rules for Travel - when & under what circumstances
- Request for attendance - must fill out for ANY meeting you attend in your official capacity as a NJ Board member

1. Permission from the Board

2. If you are in attendance at your local chapter meeting & asked to speak about something, you will need to give a disclaimer stating that you are speaking purely on behalf of yourself and NOT as a member of the Board.

- Business Rules & Ethics Rules

1. Requests to travel have to be signed by designated officials (i.e., Bob C., Chief of Staff, and the A.G.'s office in Trenton)
2. "Networking" is not a valid justification for travel

- Involvement with outside organizations that requires recusal

Ex Parte Communication

1. Board members are quasi-judicial
2. Board members are only allowed to consider information that was provided to them by the Board
3. If you, as a Board member, are in receipt of information that is not available to all the other Board members, you must disclose the information and recuse from the matter

Recusal - a voluntary action where you withdraw from considering a particular matter...If you don't do it, you can be forced by law

Ex Parte Communication

1. Outside influences
2. Be very careful of lobbyists, officials or trustees of societies and etc..
3. Societies must only contact the Board through the Executive Director

Confidentiality - NO Board member may give out information obtained in Executive Session because the information obtained during said time is privileged until such time as the Board takes public action on it in Public Session. Board members may talk about anything that occurs in public session, but may not speak on anything that may have occurred in Executive Session. If Robert Campanelli is made aware of an infraction of this restriction, he would have to immediately refer the matter to the Attorney General's Office for consideration of referral to the State Ethics Commission for review. There could be monetary penalties, and/or removal from office.

Sunshine Laws - Board members are urged to be careful to observe the law with regards public meetings and quorums.

(Board members signed the confidentiality agreement when first obtaining membership to the Board)

Board members also completed the current version of the Ethics disclosure form.

III. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS

The Board reviewed a disciplinary action from the Texas Board regarding the revocation of Richard Ignatius Guidry, D.C..

This was accepted as informational.

Dr. Rada provided a packet about the SPEC & the National Board Ethics & Boundaries Exam.

This was accepted as informational.

Drs. Senatore & Stabile, Jr., will be attending the NBCE Part IV Exam being held on November 14-16, 2008.

IV. COUNCIL ON CHIROPRACTIC EDUCATION (CCE)

The Board received an announcement regarding its Semi-Annual meeting which was held between July 11-13, 2008 in Scottsdale, Arizona. The CCE also sent a list of the State licensing Boards phone numbers for disbursement.

This was accepted as informational.

V. OPEN DISCIPLINARY MATTERS

A. PETER STEINMETZ, D.C.

The Board reviewed the status report regarding Dr. Steinmetz, dated August 8, 2008, submitted by the Professional Assistance Program.

This was accepted as informational.

B. THOMAS HERCHAKOWSKI, D.C.

The Board reviewed the status report regarding Dr. Herchakowski, dated August 26, 2008, submitted by the Professional Assistance Program.

This was accepted as informational.

C. ANDREW SECHTIN, D.C.

The Board reviewed the status report regarding Dr. Sechtin, dated August 26, 2008, submitted by the Professional Assistance Program.

This was accepted as informational.

D. SCOTT WHITE, D.C.

The Board reviewed a follow-up status report regarding Dr. White, dated August 7, 2008, submitted by the Professional Assistance Program.

This was accepted as informational.

E. FRANCA DiLISIO, D.C.

The Board reviewed an assessment letter regarding Dr. DiLisio, dated August 15, 2008, submitted by the Center for Personalized Education for Physicians.

This was accepted as informational.

F. PHILLIP J. BRUNO, D.C.

The Board reviewed a Final Order of Discipline filed by the Board on June 26, 2008.

This was accepted as informational.

G. BRYAN BAJAKIAN, D.C.

The Board reviewed a Second Interim Consent Order filed by the Board on June 26, 2008.

This was accepted as informational.

H. ROBERT L. LAMBROU, D.C.

The Board reviewed an Amended Offer of Settlement filed by the Board on July 21, 2008.

This was accepted as informational.

I. SHARON AYERS, D.C.

The Board reviewed a Final Decision & Order filed by the Board on July 24, 2008.

This was accepted as informational.

J. TODD CARNUCCI, D.C.

The Board reviewed an Offer of Settlement filed by the Board on August 15, 2008.

This was accepted as informational.

K. JOHN F. MARULLO, D.C.

The Board reviewed an Offer of Settlement filed by the Board on August 19, 2008.

This was accepted as informational.

VI. INQUIRIES

A. JOSEPH J. FRASCO, D.C.

In accordance with the Board's "Offer of Settlement", Dr. Frasco sent a letter to the Board asking for approval on courses offered by the NY Chiropractic College continuing education program:

1. Documentation, Medicare, Patient Interaction and Consents
2. Essentials of MRI, Spine, Brain & Extremities

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. CALIO, TO REQUEST A COURSE OUTLINE FROM DR. FRASCO. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. KELLY SWEENEY C/O STATE FARM INSURANCE

Ms. Sweeney on behalf of State Farm Insurance, asked, " Is it ok when patients are treated in NJ by NJ Chiropractors, to have their X-ray films sent to an out -of-state Chiropractor for review?" The out-of-state chiropractor pays to transport the documents, completes a review of the x-rays and sends a report back to the NJ Chiropractor. The out-of-state chiropractor submits a bill for their review of the X-ray films.

A MOTION WAS MADE BY DR. KROUSE, WHICH WAS SECONDED BY DR. SENATORE, TO SEND A LETTER TO MS. SWEENEY STATING, "THE BOARD CURRENTLY HAS NO STATUTES/REGULATIONS THAT ADDRESS THIS ISSUE BUT IN THE FUTURE THE BOARD MAY CONSIDER ADOPTING REGULATIONS TO ADDRESS THIS MATTER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VII. APPLICATIONS FOR LICENSURE

A. MICHAEL DeMARTINIS, D.C. (INITIAL)

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

B. JOHN P. PINTO, D.C. (REINSTATEMENT)

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KROUSE, TO APPROVE DR. PINTO'S APPLICATION FOR LICENSURE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH EIGHT MEMBERS VOTING IN FAVOR AND TWO OPPOSED (DR. RADA & MR. TRAIER).

C. GARY S. FILZER, D.C. (REINSTATEMENT)

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KOSTINAS, TO SCHEDULE DR. FILZER FOR A FULL BOARD APPEARANCE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

D. BENJAMIN A. FARKAS, D.C. (REINSTATEMENT)

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

E. KEITH F. MURRAY, D.C. (REINSTATEMENT)

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

F. MARK A. SCHLOBOHM, D.C. (REINSTATEMENT)

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. O'CONNOR, TO SCHEDULE DR. SCHLOBOHM FOR A FULL BOARD APPEARANCE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

G. DIANA BEYNIN, D.C. (ELECTRO-DIAGNOSTIC)

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

H. FAISAL HUSSAIN, D.C. (ELECTRO-DIAGNOSTIC)

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

I. MICHAEL CZUPAK, D.C. (ELECTRO-DIAGNOSTIC)

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

J. GUY MARGOLIN, D.C. (ELECTRO-DIAGNOSTIC)

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

HANDOUTS

K. DOMINIC MAZZA, D.C. (REINSTATEMENT)

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. CALIO, TO TABLE THIS MATTER PENDING RECEIPT OF REQUESTED INFORMATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

L. HOWARD D. SALOB, D.C. (ENDORSEMENT)

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

VIII. APPEARANCES

A. HOWARD ZEVIN, D.C. (REINSTATEMENT) - 10:00AM

A MOTION WAS MADE BY MR. TRAIER, WHICH WAS SECONDED BY DR. O'CONNOR, TO REINSTATE DR. ZEVIN'S LICENSE BY CONSENT ORDER BASED ON TWO CONDITIONS. 1) DR. ZEVIN'S LICENSE WILL BE REINSTATED AFTER HE TAKES & PASSES THE ONLINE JURISPRUDENCE EXAM. 2) WITHIN ONE YEAR OF REINSTATEMENT DR. ZEVIN MUST TAKE & UNCONDITIONALLY PASS THE ProBE COURSE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. FRANK BELLO, D.C. - 11:00 AM

The appearance of Frank Bello, D.C. was adjourned and rescheduled for the November meeting.

** DISCUSSION BY MR. TRAIER concerning solicitations from chiropractors following a traffic accident.

IX. MISCELLANEOUS MATTERS

A. JONATHAN LEIBELL, D.C.

The Board reviewed a response to a P.O.D.. Dr. Leibell's license will be deemed a revocation once he surrenders his license.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. O'CONNOR TO ACCEPT THE SURRENDER OF DR. LEIBELL'S LICENSE IF HE CONSENTS TO THE SURRENDER BEING DEEMED A REVOCATION & TO DEEM THE SURRENDER A REVOCATION. 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 GO INTO EXECUTIVE SESSION (12:15P.M.) TO CONSIDER THREE PIC SUMMARIES, SEVEN PENDING CONSUMER COMPLAINTS, ELEVEN REFERRALS FROM OTHER AGENCIES, AND FOUR MISCELLANEOUS MATTERS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Jonathan Eisenmenger
Executive Director