

**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 27, 2007

A meeting of the New Jersey Board of Chiropractic Examiners was held September 27, 2007 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 Bergen 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, D.C., President of the Board, at 9:45 AM.

ATTENDANCE

PRESENT: Drs. Senatore, Murphy, Calio, Rada, Krouse, O'Connor, Stabile, Kostinas, Dr. Spadafino (arrived at 10:00 am) and Mr. Traier.

EXCUSED: Executive Director Joanne Boyer

ALSO PRESENT: DAG John Hugelmeyer, Recording Secretary Sonya Liverpool and Paralegal Marc DeCarlo .

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF JULY 26, 2007

A MOTION WAS MADE BY MR. TRAIER, WHICH WAS SECONDED BY DR. KROUSE, TO APPROVE THE PUBLIC SESSION MINUTES OF JULY 26, 2007 MEETING AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH NINE MEMBERS PRESENT VOTING IN FAVOR AND ONE ABSTENTION (DR. O'CONNOR, WHO HAD NOT ATTENDED THE JULY MEETING).

**II. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS
INVITATION TO ADMINISTER PART IV EXAMINATION- NOVEMBER 2007**

Drs. O'Connor and Stabile announced their interest in the proctoring of this exam and stated they would report back to the Board of their attendance.

**III. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS - STUDY OF FUTURE FCLB
FUNDING**

A memo sent out by the NBCE indicating a committee has been designated to review spending of future FCLB endeavors.

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IV. OLD BUSINESS

A. DISCIPLINARY MATTERS

1. David Harris, D.C.

Dr. Harris offers his response, as requested by the Board at its May 2007 meeting, to the report issued by Affiliated Monitors as per the Consent Order of Reinstatement filed in June, 2006. Affiliated Monitors has been retained pursuant to the Order to perform random quarterly audits on treatment, billing and record keeping, and report any occurrence or behavior observed that may be violative of laws or regulations.

DR. SANTIAGO REQUESTED TO OBSERVE DR. HARRIS' CLINICAL EXAMINATIONS OF A SELECT NUMBER OF NEW PATIENTS AND REPORT HIS FINDINGS BACK TO THE BOARD. A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY MR. TRAIER, TO ACCEPT DR. SANTIAGO'S RECOMMENDATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

V. APPLICATIONS

A. LICENSURE

1. Richard Greendyk, D.C.

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. RADA, TO APPROVE THE APPLICATION SUBJECT TO PROOF OF PASSING THE JURISPRUDENCE EXAM. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

2. Brian O'Mullan, D.C.

A MOTION WAS BY DR. KROUSE, WHICH WAS SECONDED BY DR. SPADAFINO, TO APPROVE THE APPLICATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

3. Christopher Fiordaliso, D.C.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY MR. TRAIER, FOR THE BOARD STAFF TO VERIFY DR. FIORDALISO SUBMISSION OF A COMPLETED APPLICATION AND TO REQUEST AN EXPLANATION FOR THE CONDITIONS REGARDING QUESTION 14 ON THE BACKGROUND CHECK APPLICATION. ONCE VERIFIED THE BOARD WOULD APPROVE DR. FIORDALISO'S APPLICATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VI. MISCELLANEOUS INQUIRIES

- A. Anthony Serle, D.C.

A MOTION WAS MADE BY DR. O’CONNOR, WHICH WAS SECONDED BY DR. CALIO, TO SEND A LETTER TO DR. SERLE REFERRING TO THE BOARD REGULATION WHICH INDICATES THE USE OF A TRACTION DEVICE IS ALWAYS USED IN CONJUNCTION WITH AN ADJUSTMENT AND SUCH SHOULD BE INDICATED IN ANY ADVERTISEMENT.

VII. MISCELLANEOUS MATTERS

- A. Lawrence Cyran, D.C. and Maria Crincoli, D.C.

A MOTION WAS MADE BY DR. O’CONNOR, WHICH WAS SECONDED BY DR. KOSTINAS, TO SEND A LETTER TO BOTH DRs. CYRAN AND CRINCOLI THANKING THEM FOR NOTIFYING THE BOARD OF THIS INCIDENT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

- B. Chiropractic Solicitation Article - *Herald News* and FCLB memo

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- C. PACE recognition for Western States Chiropractic College

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- D. Dr. Paul Merlino III, D.C.

A letter from the Commonwealth of Pennsylvania was reviewed by the Board regarding Dr. Merlino’s application and rejection from the Commonwealth through reciprocity.

A MOTION WAS MADE BY DR. O’CONNOR, WHICH WAS SECONDED BY DR. RADA, TO SEND A LETTER TO THE COMMONWEALTH’S BOARD OF CHIROPRACTIC EXAMINERS ADVISING THEM OF THEIR MISGUIDED PERCEPTION OF THE CURRENT NEW JERSEY REGULATIONS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

X. APPEARANCES

GARY EMBLEY, D.C. - 1:00 PM

Dr. Embley is appearing pursuant to a request for licensure made with the Board at the July 26, 2007 meeting. The Board had requested Dr. Embley’s appearance before the Board to clarify specific instances noted in his application for licensure.

THE MOTION WAS MADE BY DR. SPADAFINO, WHICH WAS SECONDED BY DR. KOSTINAS, TO GRANT LICENSURE TO DR. GARY EMBLEY. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ADJOURNMENT

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KROUSE, TO GO INTO EXECUTIVE SESSION TO CONSIDER PENDING DISCIPLINARY MATTERS, ENFORCEMENT BUREAU REPORTS, CONSUMER COMPLAINTS & MISCELLANEOUS MATTERS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Sonya Liverpool
Sr. Demo

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