

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET
NEWARK, NEW JERSEY
PUBLIC SESSION MINUTES
THURSDAY, SEPTEMBER 27, 2012**

A meeting of the New Jersey Board of Chiropractic Examiners was held on September 27, 2012 at the State Office Building, 124 Halsey Street, 7th floor, Newark, New Jersey in the Somerset room on the 6th 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 10:30 A.M. A roll call was taken and the following attendance was recorded and a quorum was present:

David A. Allen, D.C.	Present
Rosemary Calio, BSN, RN, D.C.	Present
Michael Krouse, D.C.	Present
Lawrence O'Connor, D.C.	Excused
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: **John Hugelmeyer, Deputy Attorney General; Lisa Affinito, Executive Director**

PUBLIC COMMENT

Steven Clark, D.C. commented on the term chiropractic being used in conjunction with animals, such as animal chiropractic. Dr. Clark also commented on matters that he has brought to the Board's attention that have currently been investigated or are currently under investigation.

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF JULY 26, 2012

A motion was made by Dr. Spadafino, which was seconded by Dr. Winters, to approve the public session minutes from July 26, 2012 meeting as amended. A vote was taken and the motion passed with all members present voting in favor.

II. CONTINUING EDUCATION COMMITTEE

The Continuing Education Committee will hold two meetings during the month of October.

III. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE)

A. Practical Exam

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

The Board discussed issues that were topics at the National Board of Chiropractic Examiners meeting, such as the topic of Groupon.

IV. FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB)

A. July, 2012 District III Highlights

The Board considered the July, 2012 District III Highlights informational.

V. NEW BUSINESS

A. Inquiry from the Department of Banking and Insurance RE: Calmare Pain Therapy Treatment

Gina Lemanowica Pusloski submitted an email inquiry wanting to know if Calmare Pain Therapy Treatment is a recognized treatment that can be performed by Chiropractors.

This matter was tabled while the Board gathers more information concerning this treatment.

B. Reinstatement Applications

1. Christopher O'Connor, D.C.

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

C. Inquiry from David DeOliveira Re: Extraspinal manipulation or mobilization for spinal disorders

Mr. DeOliveira informed the Board that an insurance company denied payment for the treatment, extraspinal manipulation or mobilization for spinal disorders.

A motion was made by Dr. Krouse, which was seconded Dr. Allen, to advise Mr. DeOliveira that although extraspinal manipulation or mobilization for spinal disorders is within the scope of practice,

the Board does not govern insurance companies. A vote was taken and the motion carried by a unanimous vote.

D. Timothy R McGuarn, D.C.
Re: Inactive Status

Chiropractic licenses expired on August 31, 2011. During the 30 day period from September 1, 2011 through October 1, 2011 licensees were able to renew their license provided they paid the renewal late fee. If a licensee did not renew the chiropractic license by August 31, 2011, the licensee's license would expire as it was not renewed within 30 days of the expiration date.

Licensees who did not renew their licenses by October 1, 2011 were given a 30 day opportunity to place their licenses on inactive status.

Dr. McGuarn did not renew his license by October 1, 2011, therefore, his license expired. Although the 30 day opportunity to place his license on inactive status has passed by a year, Dr. McGuarn asked the Board if they would allow him to place his expired license on inactive status.

A motion was made by Dr. Calio, which was seconded by Dr. Spadafino, to deny Dr. McGuarn's request. A vote was taken and the motion carried by a unanimous vote.

E. Inquiry from Christine Berju, D.C.
Re: Treating Animals

Dr. Berju submitted an inquiry on the legality of chiropractors ability to adjust animals under a veterinarian's prescription. Dr. Berju inquired whether she can treat animals in a veterinarian's office.

The Chiropractic Board continues to recognize the 1994 agreement between the New Jersey Board of Chiropractic Examiners and the New Jersey Board of Veterinary Examiners which allows a licensed chiropractor to treat an animal under the terms of a referral from a licensed veterinarian.

A motion was made by Dr. Krouse, which was seconded by Dr. Allen to advise Dr. Berju that she can treat animals in a veterinarian's office based on the 1994 agreement.

The Chiropractic Board will contact the Veterinary Board concerning this issue.

F. Inquiry from Karim Faris, D.C.
Re: Continuing Education Credits

Dr. Faris submitted an inquiry concerning the number of continuing education credits he is required to complete for renewal. Dr. Faris informed the Board that he completed chiropractic college and became licensed in May of 2011.

A motion was made by Dr. Calio, which was seconded by Dr. Spadafino to advise Dr. Faris that he will need to complete 30 credits by August 31, 2015. A vote was taken and the motion carried by a unanimous vote.

G. Endorsement Applications

1. Ronald Lambert, D.C.

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

2. John Reagan, D.C.

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

3. Vincent Martino, D.C.

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

VI. OLD BUSINESS

A. Response from Al Orlandi
Re: Scope of Practice of Chiropractors

Mr. Orlandi previously inquired whether licensed chiropractors may operate fluoroscopic x-ray equipment during a pain management procedure, which is being performed by a licensed medical physician. The Board provided Mr. Orlandi with a response concerning his inquiry. The response directs Mr. Orlandi to relevant portions of the regulations. Specifically, there must be an established

doctor/patient relationship, and the chiropractor must be properly trained. Mr. Orlandi then inquired if there is no existing chiropractor - patient relationship, would the chiropractor exceed the scope of practice of his/her license?

A motion was made by Dr. Senatore, which was seconded by Dr. Winters to advise Mr. Orlandi that generally this would exceed the scope of practice; the Board reserves the right to examine the facts and circumstances of any matter brought to its attention implicating this issue. A vote was taken and the motion carried by a unanimous vote.

VII. OPEN DISCIPLINARY MATTERS

- A. Robert F. DeSapio, D.C.
Consent Order Filed September 11, 2012

A Consent Order was filed by the New Jersey State Board of Chiropractic Examiners on September 11, 2012 in the matter of Robert F. DeSapio, D.C.

- B. Peter Simmons, D.C.
Interim Consent Order Filed July 18, 2012

An Interim Consent Order was filed by the New Jersey State Board of Chiropractic Examiners on July 18, 2012 in the matter of Peter Simmons, D.C.

- C. Lawrence Petracco, D.C.
Uniform Penalty Letter Filed August 10, 2012

A Uniform Penalty Letter was filed by the New Jersey State Board of Chiropractic Examiners on August 10, 2012 in the matter of Lawrence Petracco, D.C.

- D. Professional Assistance Program Report
Re: Scott White, D.C.
Consent Order Filed January 24, 2008

The Board reviewed a report from Louis E. Baxter, M.D. dated July 31, 2012 concerning Dr. White's continued compliance with the Consent Order filed January 24, 2008 and his monitoring plan with the Professional Assistance Program of New Jersey.

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. Fourteen matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.

2. Twenty 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 2:10 P.M. A vote was taken and the motion passed with all members voting in favor.

Respectfully submitted,

Lisa Affinito
Executive Director