

**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, OCTOBER 19, 2006**

A meeting of the New Jersey Board of Chiropractic Examiners was held October 19, 2006 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 Lawrence O'Connor, D.C., President of the Board, at 9:30 AM.

ATTENDANCE

PRESENT: Drs. Calio, Rada, Kostinas, Krouse, O'Connor, Senatore, Spadafino, Murphy, and Mr. Traier

EXCUSED: Dr. Stabile

ALSO PRESENT: DAG John Hugelmeyer, Executive Director Kevin Earle, and Recording Secretary Sonya Liverpool.

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF SEPTEMBER 21, 2006

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. KOSTINAS, TO APPROVE THE PUBLIC SESSION MINUTES OF SEPTEMBER 21, 2006 AS AMENDED. A VOTE WAS TAKEN, AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. OLD BUSINESS

A. PROPOSED REGULATIONS : BOARD OF CHIROPRACTIC EXAMINERS - RE ADOPTION WITH AMENDMENTS

The Board comment period of the "Sunset" of the Board's regulation closes on October 20, 2006. The Board was provided with all comments received to date. Regulatory Analyst Patricia Schiripo was available to assist the Board in the response to comments.

A MOTION WAS MADE BY DR. KROUSE, WHICH WAS SECONDED BY DR. CALIO, TO ACCEPT THE RESPONSES TO COMMENTS SUBMITTED AS OUTLINED ABOVE AND TO APPROVE THE RE ADOPTION OF THE BOARD'S REGULATIONS AS AMENDED AND WITHOUT CHANGE. A VOTE WAS TAKEN, AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

The responses to comments will be submitted for the Board's final approval at the November 30th meeting.

B. PROPOSED REGULATIONS: DEPT. OF BANKING & INSURANCE- MEDICAL FEES SCHEDULES ; AUTOMOBILE INSURANCE PERSONAL INJURY PROTECTION & MOTOR BUS MEDICAL EXPENSE INJURY INSURANCE COVERAGE

The Board reviewed a draft prepared by a committee of Board members responding to the above referenced proposal. It was recommended that the draft language be modified to deal with the issues associated with extra spinal manipulation and noting that in order to correctly bill under CPT coding guidelines, the code 98948, should

be used for extra spinal manipulations. The Board should suggest to the department that its proposal should not redefine existing and commonly used CPT codes that are well excepted nationally.

A MOTION WAS MADE BY DR. SENATORE, WHICH WAS SECONDED BY DR. CALIO, TO ACCEPT THE DRAFT COMMENT AS NOTED ABOVE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Executive Director Earle will prepare the final document and will circulate it before it is forwarded to the Department of Banking and Insurance.

III. NEW BUSINESS

A. INQUIRY OF THOMAS V. GIORDANO, D.C.

Dr. Giordano supplied information relating to pending legislation in the issue of the licensing of Chiropractors who graduated from unapproved educational programs. Dr. Giordano supplied additional information that was submitted the night before the Board meeting. The Board determined to table this matter and consider it at the November Board meeting.

B. INQUIRY OF MARTINE PIERRE-PAUL, ESQ.

Ms. Pierre-Paul submitted several questions regarding the employment relationship between a chiropractor and an acupuncturist, and whether an acupuncturist may be employed by a chiropractor. As follows 1) Should a chiropractor and an acupuncturist maintain separate charts under their respective letterheads? Board opined that it merely had jurisdiction over the actions of the chiropractor. The Board determined that the chiropractic records need to be clearly distinguished from those of the acupuncturists. 2) Are prescriptions for acupuncture treatment needed from the chiropractor or just from outside medical referrals? Executive Director Earle commented in his capacity as the Executive Director of the Acupuncture Examining Board. The statutes governing acupuncture in the State of New Jersey require either a medical referral or diagnosis. Both the Acupuncture Board & the Chiropractic Board have determined that for the purposes of this statute, chiropractors are deemed to be physicians for the purposes of referral. The acupuncturist in the practice can clearly accept referrals from other health care practitioners outside of the practice. 3) Can the chiropractor make referrals to the acupuncturist without the same being considered in impermissible self referral? Ms. Pierre-Paul is referred to the provisions of N.J.S.A 45:22.5(C) on the issue of self referral. If both practitioner are within the same practice, there is no impermissible self referral. 4) If the acupuncturists and chiropractor both treat a patient on the same day, does the \$90 daily cap include the acupuncturists charge. The Board responded that Ms. Pierre-Paul should refer this question to the Department of Banking & insurance. The Board has no jurisdiction over fees charged under DOBI regs.. 5) Are precertifications from third party payers for the acupuncturists treatment handled by the chiropractor or the acupuncturist. The Board further responded that this question should be directed to the Department of Banking and Insurance.

C. FISCAL YEAR 2006 - BUDGET REPORT

The Board reviewed the budget status report as prepared by the Division of Consumer Affairs Fiscal Unit. Noting that the current budget status as of the end of FY 2006 appears to be " good."

IV. MISCELLANEOUS MATTERS

A. NJ DEPARTMENT OF TREASURY TAX NOTES - BODY MASSAGE, BODY WORK & SOMATIC SERVICES

The Board office has received several inquiries regarding the taxability of massage services. The Board reviewed informational copy of a notice published on the NJ Department of Treasury website.

This was accepted as informational.

B. AMERICAN OSTEOPATHIC ASSOCIATION : POSITION PAPER ON OSTEOPATHIC MANIPULATIVE TREATMENT OF THE CERVICAL SPINE

This was accepted as informational.

C. FEDERATION OF CHIROPRACTIC LICENSING BOARDS - PACE PROGRAM

This was accepted as informational.

V. ENDORSEMENT APPLICATIONS

A. ANDREW MATASSA, D.C.

B. JOSEPH STEPHAN, D.C.

A MOTION WAS MADE BY DR. KOSTINAS, WHICH WAS SECONDED BY DR. RADA, TO ACCEPT THE TWO APPLICANTS NOTED ABOVE FOR

LICENSURE BY ENDORSEMENT SUBJECT TO THE SUCCESSFUL COMPLETION OF THE NEW LICENSE ORIENTATION/ JURISPRUDENCE EXAMINATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. JOSEPH PIRELLI, D.C.

The Board reviewed an application for licensure by endorsement from this Pennsylvania chiropractor who is the subject of disciplinary action in the state of Pennsylvania and who sanctions include a three year stayed suspension.

A MOTION WAS MADE BY DR. SPADAFINO, WHICH WAS SECONDED BY DR. MURPHY, TO REQUIRE DR. PIRELLI'S APPEARANCE BEFORE THE FULL BOARD TO DISCUSS THIS MATTER BEFORE THE BOARD CAN CONSIDER HIS APPLICATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VI. ELECTRO- DIAGNOSTIC TESTS & SPECIAL EXAMINATIONS

A. SHARON RICH, D.C.

The Board considered application from Dr. Rich. It was noted that Dr. Rich had checked off Needle EMG on the Electro - Diagnostic test application. Dr. Rich should be advised that Needle EMG's are not permissible tests to be used by a licensed chiropractor in the State of New Jersey.

A MOTION WAS MADE BY DR. SENATORE, WHICH WAS SECONDED BY DR. SPADAFINO, TO APPROVE THE APPLICATION FOR ELECTRO-DIAGNOSTIC OF DR. SHARON RICH. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ADJOURNMENT

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. KOSTINAS, TO GO INTO EXECUTIVE SESSION TO CONDUCT AN INVESTIGATIVE INQUIRY & REVIEW PENDING CONSUMER COMPLAINTS & DISCIPLINARY MATTERS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Kevin B. Earle, M.P.H.
Executive Director

