

**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 22, 2009**

A meeting of the New Jersey Board of Chiropractic Examiners was held October 22, 2009 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 James Kostinas, D.C., Vice President of the Board, at 9:40 AM.

ATTENDANCE

PRESENT: Drs. Murphy- arrived at 9:45 am, O'Connor, Krouse, Kostinas, Spadafino, Calio - arrived at 9:45 am, Rada, Senatore and (Mr. Traier - arrived at 9:50 am)

EXCUSED: Dr. Stabile Jr.

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

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF SEPTEMBER 24, 2009

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. O'CONNOR, TO APPROVE THE PUBLIC SESSION MINUTES OF THE SEPTEMBER 24, 2009 MEETING AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. EXECUTIVE DIRECTOR'S REPORT

A report on the number of applications received and licenses issued to date for September & October 2009:

The Board issued 5 licenses and have 5 applications pending

Approximately 140 licenses have been changed to "expired" status.

III. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS

The National Board has broken ground on a new facility in Greeley, Colorado.

This was accepted as informational.

IV. ASSOCIATION OF NJ CHIROPRACTORS

This was accepted as informational.

V. APPLICATIONS FOR LICENSURE

This was accepted as informational.

VI. APPLICATIONS FOR LICENSURE

A. ERIC COUSINO, D.C. (INITIAL)

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

B. PETRONELLA GREENDYK, D.C. (ENDORSEMENT)

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

C. ALEXANDER KISHYK, D.C. (REINSTATEMENT)

A MOTION WAS MADE BY MR. TRAIER, WHICH WAS SECONDED BY DR. KROUSE, TO HAVE DR. KISHYK TAKE THE SPEC EXAM. A VOTE WAS TAKEN AND THE MOTION PASSED WITH EIGHT MEMBERS VOTING IN FAVOR & ONE ABSTENTION (DR. RADA).

D. YONGWOO LEE, D.C. (INITIAL)

CCE : FREQUENTLY ASKED QUESTIONS

This matter was tabled at the September 24, 2009 Board meeting awaiting the receipt of Dr. Lee's criminal history and undergraduate transcripts. The Board reviewed the CCE frequently asked questions pertaining to this matter.

To table this matter until the Board receives Academic Qualifying Certificate, Undergrad Transcripts & Criminal History Background Check.

E. JOSEPH MARTIN, D.C. (INITIAL)

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

F. ANTHONY M. RIOTTO, D.C. (ELECTRO-DIAGNOSTIC)

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

G. KATHERINE HOLSTEIN, D.C. (INITIAL)

(Dr. Rada recused)

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. MURPHY, TO TABLE THIS APPLICATION FOR DISCUSSION ABOUT CRIMINAL HISTORY BACKGROUND CHECK ITEMS AND HOW THE BOARD WILL PROCEED ON THESE MATTERS IN GENERAL.. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY MR. TRAIER, TO SEND A LETTER TO INDIVIDUALS ABOUT BEING COMPLETELY HONEST ABOUT ARRESTS. THE BOARD WOULD ALSO LIKE TO CHANGE THE WORDING OF THE QUESTION TO CLARIFY, "HAVE YOU EVER BEEN ARRESTED, EVEN IF YOU HAVE NOT BEEN CONVICTED?" A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

The Board also discussed the possibility of tabling an application to afford the applicant an opportunity to have a criminal record expunged.

The Board then brought Ms. Holstein's application off the table for reconsideration.
(Dr. Rada was recused)

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

VI. OPEN DISCIPLINARY MATTERS

A. SUSAN J. CUNICO, D.C.

The Board reviewed an Offer of Settlement filed by the Board on September 17, 2009.

This was accepted as informational.

B. GUNNAR HENNING, D.C.

The Board reviewed a Consent Order filed by the Board on September 24, 2009.

This was accepted as informational.

VII. INQUIRIES

A. LEE JUSSIM

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. RADA, TO LET MR. JUSSIM BE AWARE THAT THE BOARD DOES NOT GIVE LEGAL ADVICE, HE SHOULD CONSULT WITH A PRIVATE ATTORNEY / OR THE DEPARTMENT OF BANKING AND INSURANCE. HE SHOULD ALSO READ THE STATUTES AND REGS, INCLUDING NJSA 45:1-10.1(B)(2). A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. ROSS MARKOWITZ, D.C.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. SPAAFINO TO MAKE DR. MARKOWITZ AWARE THAT AS AN EMPLOYEE OF THE MULTI-DISCIPLINARY OFFICE HE CANNOT REFER TO A PRACTICE THAT HE OWNS,(CODEY LAW 45:9-22.5). A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. ARTHUR FEINTUCH, D.C.

* Not enough information to make a determination in this matter. He should consult with a private attorney.

D. HENRY FEIN, ESQ.

A MOTION WAS MADE BY DR. MURPHY, WHICH WAS SECONDED BY DR. RADA, TO SEND A LETTER TO MR. FEIN STATING THAT THE BOARD DOES NOT ISSUE "FORMAL OPINIONS", IT APPEARS TO THE BOARD THAT OPENING A SEPARATE FACILITY TO REFER CHIROPATIENTS FOR PHYSICAL THERAPY MAY CONFLICT WITH THE INTENT OF THE CODEY LAW. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

E. JOHN A. CAPRIGLIONE, D.C.

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KROUSE, STATING IT IS PERMISSIBLE TO HAVE A CHIROPRACTOR EMPLOY AN ACUPUNCTURIST AND RETAIN MONIES COLLECTED FOR ACUPUNCTURE SERVICES AS LONG AS YOU ARE AWARE OF THE PRACTICE STRUCTURE REGULATIONS (13:44E-2.15). A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

F. JAMES PRETE, D.C.

A MOTION WAS MADE BY DR. SENATORE, WHICH WAS SECONDED BY DR. CALIO, TO SEND DR. PRETE A LETTER STATING ELECTRONIC RECORDS ARE FINE, AS LONG AS HE COMPLIES WITH THE PATIENT RECORD RULE (13:44E-2.2) WHICH MEANS HE HAS TO HOLD THEM FOR 7 YEARS, AND HE MUST BE ABLE TO PRODUCE RECORDS UPON REQUEST. REFER THIS MATTER TO THE RULES AND REGS COMMITTEE FOR DISCUSSION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

HANDOUTS

1. JAY CRAIG LISS, D.C. (REINSTATEMENT)

The Board has reviewed results concerning Dr. Liss' criminal history background check.

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

2. SARAH E. LITTLE, D.C. (INITIAL)

The Board has reviewed results concerning Dr. Little's criminal history background check.

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

* Establish an ad hoc committee to address the issues involved with the CHBC

3. BRUCE JACOBSON, D.C. - UPL and Final Notice

A UPL was issued on September 9, 2008 for violations of 13:44E-3.5 and 3.4(b)2.

No response was received, and a letter giving notice that a final review would be conducted by the Board on October 22, 2009. That notice was issued on August 25, 2009. The certified mail was returned unclaimed, but the regular mail was not returned.

On September 21, 2009, Jeffrey Randolph, Esq. submitted a letter of representation.

Mr. Randolph was present and requested that the Board not deem him to be in default, and that a hearing be scheduled, pursuant to the third option on the UPL from 2008. He also stated that he could not provide information at this time about the failure to respond for over a year.

A MOTION WAS MADE BY DR. SPADAFINO, WHICH WAS SECONDED BY DR. RADA, TO POSTPONE THE MOTION FOR DEFAULT AND GRANT MR. RANDOLPH ONE MONTH TO REVIEW THE CASE AND ATTEMPT TO SETTLE THE MATTER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH SEVEN MEMBERS PRESENT VOTING IN FAVOR AND ONE ABSTENTION (DR. O'CONNOR).

(Mr. Traier was out of the room)

NEW BUSINESS

Dr. Murphy discussed a recent decision by the Commissioner of the DOBI concerning a cease and desist order against BCBS regarding the Fair Claims Settlement Act and chiropractic reimbursements.

ADJOURNMENT

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. SPADAFINO, TO GO INTO EXECUTIVE SESSION (11:50 A.M.) TO CONSIDER ONE PIC SUMMARY, FIVE CONSUMER COMPLAINTS, THREE REFERRALS FROM OTHER AGENCIES AND FIVE MISCELLANEOUS MATTERS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Jonathan Eisenmenger
Executive Director