

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET
NEWARK, NEW JERSEY
PUBLIC SESSION MINUTES
THURSDAY, OCTOBER 24, 2013**

A meeting of the New Jersey Board of Chiropractic Examiners was held on October 24, 2013 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 David Allen, D.C., President of the Board, at 9:45 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.	Present
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: **Virginia Class Matthews, Deputy Attorney General; Lisa Tadeo, Executive Director; and Tracy Steel, Board Staff.**

Eric T. Kanefsky, Director of the Division of Consumer Affairs and Maryann Sheehan, Deputy Director of the Division of Consumer Affairs thanked the Board members for their service on the New Jersey State Board of Chiropractic Examiners.

PUBLIC COMMENT

I. APPROVAL OF THE PUBLIC SESSION MINUTES

A. July 25, 2013

A motion was made by Dr. Krouse which was seconded by Dr. O'Connor, to approve the public session minutes from the July 25, 2013 meeting as presented. A vote was taken and the motion passed with all members voting in favor.

B. September 26, 2013

A motion was made by Dr. O'Connor which was seconded by Dr. Calio, to approve the public session minutes from the September 26, 2013 meeting as amended. A vote was taken and the motion passed with all members voting in favor.

II. CONTINUING EDUCATION COMMITTEE

The Board reviewed Life University's Super Conference 2013. A motion was made by Dr. Calio, which was seconded by Dr. Senatore, to deny all the courses within the Super Conference as they are all practice building, practice management and/or practice marketing and N.J.A.C. 13:44E-1A.5(j) states, "The Board shall not accept courses involving practice building, practice management and/or practice marketing toward the continuing chiropractic education requirements. A vote was taken and the motion passed with all members present voting in favor.

The Board reviewed Life University's Success for the Chiropractic Lifestyle course. A motion was made by Dr. Calio which was seconded by Dr. Senatore, to deny four courses within the program. Basic Science on October 25, 2013 and October 27, 2013 was denied because the Board cannot grant continuing education credit for completion of basic courses pursuant to N.J.A.C. 13:44E-1A.5(e). Scope of Practice on October 26, 2013 and October 27, 2013 was denied because the courses are not focused on the State of New Jersey scope of practice and the scope of practice in the course outline is very general. A vote was taken and the motion passed with all members present voting in favor.

The continuing education committee reviewed 121 courses submitted by continuing education sponsors. The committee recommended that 11 courses be denied and 110 courses be approved based on the information submitted for these courses. A motion was made by Dr. Stabile and seconded by Dr. O'Connor, to deny the 11 courses and approve the 110 courses as recommended by the committee. A vote was taken and motion passed with all members present voting in favor.

III. NEW BUSINESS

Upon a motion made by Dr. O'Connor, which was seconded by Dr. Senatore, the Board voted to go into Executive Session to review and discuss applications for licensure and reinstatement. The Board returned to public session to continue the meeting and vote on the applications for licensure and reinstatement.

A. Application for Chiropractic Licensure

1. Michael Sutter

A motion was made by Dr. Stabile, which was seconded by Dr. O'Connor, to advise Dr. Sutter that the Board will consider his application for licensure once he has his Colorado chiropractic license reinstated. A vote was taken and the motion passed with all members present voting in favor.

2. Michael Rullo

A motion was made by Dr. Krouse, which was seconded by Dr. O'Connor, that Dr. Rullo appear before the Board to discuss his application for licensure. A vote was taken and Dr. Calio opposed while all others voted in favor. The motion passed by a majority vote.

3. Thomas Cranmer

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

4. Apolinar Miranda

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

5. Nachmy Bronstein (endorsement)

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

6. Andrew Garcia (endorsement)

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

7. Frank Mandarino (endorsement)

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, that Dr. Mandarino appear before the Board to discuss his application for licensure. A vote was taken and the motion passed with all members present voting in favor.

B. Application for Reinstatement

1. Laura Scheiner, D.C.

A motion was made by Dr. Stabile, which was seconded by Dr. O'Connor, to approve Dr. Scheiner's application for reinstatement providing she passes the jurisprudence examination. A vote was taken and the motion passed with all members present voting in favor.

C. Board Discussion

RE: Term "Endoscopic"

The Board discussed the information that Dr. Calio presented regarding Endoscopic. The Board considered it to be informational.

D. Inquiry from William Gessler, D.C.

RE: Continuing Education

Dr. Gessler inquired whether he may receive an waiver or extension of his continuing education credits as he has been the primary care giver for a family member during the time frame of 2005-2012. Dr. Gessler submitted a doctor's note concerning his family member's medical condition. Dr. Gessler informed the Board that he did not complete any continuing education credits between January 18, 2010 and August 31, 2013.

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to deny Dr. Gessler's request for a waiver and deny his request for an extension of the continuing education requirement. The Board noted that Dr. Gessler was the primary care giver of a family member through 2012 and he did not complete any continuing education credits in the year 2013. A vote was taken and the motion passed with all members present voting in favor.

E. Board Discussion

RE: Continuing Education

A newly licensed chiropractor who completed an accredited graduate chiropractic education program within 12 months of commencement of the biennial registration period is not required to complete the continuing education requirements for the biennial period. The Board discussed if a newly licensed chiropractor could carry over continuing education credits if they completed credits even though they were not required to. The Board agreed that a newly licensed chiropractor could carry over a maximum of 7 continuing education credits pursuant to N.J.A.C. 13:44E-1A.5(o)

- F. Marie Gosney
RE: Medical Malpractice Coverage

Marie Gosney inquired whether New Jersey requires chiropractors to have malpractice coverage in order to be in compliance with licensure.

A motion was made by Dr. Senatore, which was seconded by Dr. O'Connor, that Ms. Gosney be advised that licensees who maintain a professional practice and/or have responsibility for patient care in New Jersey must have Medical Malpractice Insurance. A vote was taken and the motion passed with all members voting in favor.

- G. Inquiry from James Matthews, D.C.
RE: Scope of Practice

Dr. Matthews made an inquiry regarding obesity being classified as a disease, if it is in the scope of practice for chiropractors to treat and bill for this, and are there any limitations on advertising for treatment of obesity.

A motion was made by Dr. O'Connor, which was seconded by Dr. Calio, that Dr. Matthews be advised that it can be treated as long as it relates to the practice of chiropractic. A vote was taken and the motion passed with all members voting in favor.

- H. Inquiry from Christine Rivera (Applicant)
RE: Mobile Business

Ms. Rivera submitted an inquiry asking if licensed Chiropractors are allowed to conduct mobile businesses.

A motion was made by Dr. Stabile, which was seconded by Dr. Calio, that Ms. Rivera be notified that she should submit more information pertaining to her question. A vote was taken and the motion passed with all members voting in favor.

- I. Inquiry from Jane Gurrien
RE: Molecular DNA Testing and Personalized Medicine

Jane Gurrien submitted an inquiry whether chiropractors can provide DNA Personalized Testing for their patients.

A motion was made by Dr. Stabile, which was seconded by Dr. Calio, that Ms. Gurrien be advised that the Board cannot answer her questions with the information she provided and will ask Ms. Gurrien to send more information on how it would be used in the practice. A vote was taken and the motion passed with all members voting in favor.

- J. Inquiry from U.S. Department of Transportation
RE: Scope of Practice

An inquiry was made from Elain M. Papp on behalf of the U.S. Department of Transportation, whether it is in the scope of practice for a chiropractor to conduct the testing and physical examination of body systems required on Medical Examination Report to determine whether a driver is physically qualified to drive a CMV in interstate commerce, and complete the Medical Examiners's Certificate.

A motion was made by Dr. Stabile, which was seconded by Dr. Senatore, that Ms. Papp be notified that it is within the scope of practice of chiropractors to perform these examinations. A vote was taken and the motion passed with all members voting in favor.

- K. Inquiry from Cynthia J. Borrelli on behalf of American Specialty Health
RE: N.J.S.A 45:9-14.5

This matter was moved to Executive Session.

- L. Inquiry from Daniel Cohen, D.C.
RE: Renewal

This matter was tabled until the November 21, 2013 meeting.

IV. OLD BUSINESS

- A. Board Discussion with Elizabeth Greenblatt, Regulatory Analyst
RE: Sunset of Regulations

Under Public Law 2011 Chapter 45 the five year sunset period for regulations has now been extended to seven years. Regulations expire every seven years instead of every five years. The New Jersey State Board of Chiropractic Examiners regulations were to expire on December 22, 2011 and will now expire on December 22, 2013.

A motion was made by Dr. O'Connor, which was seconded by Dr. Calio to approve the regulations as amended. A vote was taken and the motion passed by a majority vote.

V. BOARD ELECTIONS

- A. Vice President

This matter will be tabled until the November 21, 2013 meeting.

VI. OPEN DISCIPLINARY MATTERS

- A. 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 26, 2013 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.

The Board considered this to be informational.

- B. Professional Assistance Program Report
RE: Sheila Burke, D.C.
Interim Consent Order filed January 31, 2011

The Board reviewed a report from Louis E. Baxter, M.D. dated August 6, 2013 concerning Dr. Burke's continued compliance with the Interim Consent Order filed January 31, 2011 and her monitoring plan with the Professional Assistance Program of New Jersey.

The Board considered this to be informational.

- C. Professional Assistance Program Report
RE: Peter Steinmetz, D.C.
Consent Order filed November 29, 2006

The Board reviewed a report from Louis E. Baxter, M.D. dated August 30, 2013 concerning Dr. Steinmetz's continued compliance with the Consent Order filed November 29, 2006 and his monitoring plan with the Professional Assistance Program of New Jersey.

The Board considered this to be informational.

- D. Bradford Butler, D.C.
RE: Uniform Penalty Letter Filed July 16, 2013

The Board reviewed the Uniform Penalty Letter Filed July 16, 2013 in the matter of Dr. Butler and considered this to be informational.

- E. Marc T. Chianese, D.C.
RE: Consent Order Filed August 27, 2013

The Board reviewed the Consent Order Filed August 27, 2013 in the matter of Dr. Chianese and considered this to be informational.

VII. INFORMATIONAL

- A. Allstate New Jersey Files \$2.2 Million Insurance Fraud Lawsuit Against Pharmacy and Several South Jersey Doctors

The Board reviewed Allstate New Jersey Files \$2.2 Million Insurance Fraud Lawsuit Against Pharmacy and Several South Jersey Doctors. The Board will consider this to be informational.

- B. Assembly, No. 732
(Synopsis - Makes it a crime of the third degree to practice psychology, marriage and family therapy, chiropractic or State-certified psychoanalysis without the appropriate license or certification.)

The Board reviewed Assembly, No 732 and considered this to be informational.

ADJOURNMENT

The Board returned to Public Session and a motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to adjourn the meeting at 1:00 P.M. A vote was taken and the motion passed with all members present voting in favor.