

**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 25, 2007**

A meeting of the New Jersey Board of Chiropractic Examiners was held October 25, 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 Jr., D.C., President of the Board, at 10:00 AM.

ATTENDANCE

PRESENT:

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

EXCUSED: none

ALSO PRESENT: DAG John Hugelmeyer, Acting Executive Director Joanne Boyer and Recording Secretary Sonya Liverpool

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF SEPTEMBER 27, 2007

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. KROUSE, TO APPROVE THE PUBLIC SESSION MINUTES OF SEPTEMBER 27, 2007 MEETING AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. NEW BUSINESS

A. NJ DEPT. OF ENVIRONMENTAL PROTECTION RADIATION PROTECTION & RELEASE PREVENTION ELEMENT

Accepted as informational.

B. DRS. RADA & O'CONNOR ATTENDED A FCLB MEETING TWO WEEKS AGO. DR. RADA REPRESENTED THE NATIONAL BOARD AND MADE HER REPORTS TO THE BOARD REGARDING THE MEETING. DR. RADA SPOKE ON 1) CERT (CERTIFICATION FOR REGULATIONS) PROGRAM 2) DEPT. OF TRANSPORTATION 3) CCE STANDARDS BEING REVISED 4) RECRUITMENT FOR SITE TEAM (OFFERED ONCE A YEAR) 5) OIG 6) DRX 7) LASERS 8) PARTS 3 & PARTS 4 - BEING UPGRADED

III. APPLICATIONS

A. BRIAN McDAID, D.C. - (INITIAL)

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KOSTINAS, TO APPROVE THE LICENSE APPLICATION OF DR. McDAID. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. DARRIN McDERMOTT, D.C. (INITIAL)

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KOSTINAS, TO APPROVE THE LICENSE APPLICATION OF DR. McDERMOTT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. FRED KINGSBURY, D.C. (REINSTATEMENT)
(Dr. Rada recused)

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY MR. TRAIER, TO APPROVE THE REINSTATEMENT APPLICATION BASED ON DR. KINGSBURY TAKING & PASSING THE JURISPRUDENCE EXAM. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

D. ALLAN VARGAS, D.C. (REINSTATEMENT - NO APPLICATION)

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KOSTINAS, TO SEND DR. VARGAS A LETTER TO SUBMIT AN APPLICATION FOR REINSTATEMENT AS WELL AS INFORMING HIM THAT THE NJ CHIROPRACTIC FEES ARE STATUTORY AND CANNOT BE WAIVED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

E. JAMES PRETE, D.C.

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. SPADAFINO, TO SEND A LETTER REQUESTING THE EVALUATION OF DR. PRETE'S SUBSTANCE ABUSE EVALUATION AS NOTED IN HIS CORRESPONDENCE TO THE BOARD . A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

IV. ENDORSEMENT APPLICATIONS

A. LYNNE M. BENELLI, D.C.

A MOTION WAS MADE BY DR. SPADAFINIO, WHICH WAS SECONDED BY DR. MURPHY, TO APPROVE THE ENDORSEMENT APPLICATION OF DR. BENELLI. A VOTE WAS TAKEN AND THE MOTION PASSED WITH SIX MEMBERS VOTING IN FAVOR AND TWO OPPOSED (DRS. KROUSE & RADA).

B. RICHARD W. KAPPLER, D.C.

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KOSTINAS, TO APPROVE THE ENDORSEMENT APPLICATION OF DR. KAPPLER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

V. DISCIPLINARY MATTERS

A. DAVID G. HARRIS, D.C.

The Board has reviewed an attachment of a second quarterly report submitted by Affiliated Monitors, Inc..

This was accepted as informational.

B. JUDY C. THOMPSON, D.C. (moved from Executive Session)

A true copy of a Stipulation & Order submitted by the Minnesota Board of Chiropractic Examiners was reviewed

by the Board. Dr. Thompson had applied for reinstatement with the NJ Board of Chiropractors and has since withdrawn her application.

C. SALIL MALHOTRA, D.C. (moved from Executive Session)

The Board reviewed a Supplemental Order Granting Motion to address Health Care Business Issues. Deputy Attorney General Hugelmeyer reported that Dr. Malhotra had satisfied all bankruptcy concerns.

This was accepted as informational.

VI. MISCELLANEOUS MATTERS

A. WILLIAM STONE, D.C.

Dr. Calio spoke on facts that she had researched concerning the use of Holistic Iridology throughout the U.S. & Canada. She stated that courses can be taken online for about 72 hours in order to obtain a diploma in this field. Only two Chiropractic colleges offer Iridology but it is linked to nutritional courses.

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. SPADAFINO, TO SEND A LETTER TO DR. STONE STATING THAT HE CAN USE HOLISTIC IRIDOLGY, BUT IN THE STATE OF NJ UNDER N.J.S.A. 13:44E-3.2 HE CANNOT CHARGE FOR THIS SERVICE. DIPLOMATE OF HOLISTIC IRIDOLOGY IS NOT A RECOGNIZED DEGREE AND HE IS TO CEASE & DESIST THE USE OF D.Ir. ON ANY CHIROPRACTIC BUSINESS CARDS. HE MUST ALSO SIGN AN ACKNOWLEDGMENT LETTER AGREEING TO CEASE & DESIST AND RETURN THE AGREEMENT TO THE BOARD. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ADJOURNMENT

A MOTION WAS MADE BY MR. TRAIER, WHICH WAS SECONDED BY DR. SPADAFINO, TO GO INTO EXECUTIVE SESSION TO CONSIDER PENDING CONSUMER COMPLAINTS, INSURANCE REFERRALS, ENFORCEMENT BUREAU REPORTS & MISCELLANEOUS MATTERS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Sonya Liverpool
Sr. DEMO