

**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 27, 2011

A meeting of the New Jersey Board of Chiropractic Examiners was held October 27, 2011 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 Albert Stabile Jr., D.C., President of the Board, at 9:30 A.M..

ATTENDANCE

PRESENT: Drs.' Allen, Calio, Krouse, O'Connor, Senatore, Stabile, Spadafino, and Winters

EXCUSED: Mr. Traier

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

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF OCTOBER 27, 2011

A motion was made by Dr. Calio, which was seconded by Dr. Spadafino, to approve the public session minutes of the September 22, 2011 meeting as amended. A vote was taken and the motion passed with all members present voting in favor.

II. EXECUTIVE DIRECTOR'S REPORT

A. PUBLIC COMMENT FOR PROPOSAL PRN 2011-163

The ad hoc committee, which was appointed in September, provided a copy of the letter that was sent to the Department of Banking and Insurance on October 17, 2011.

This letter was received as informational

B. D'YOUVILLE COLLEGE (APPEARANCE)

Linda Joseph, Esq., counsel for D'Youville College
Kathleen Linaker, D.C., Executive Director of Chiropractic Programs
David Witz, representative of the CCE

Request that the Board grant permission to students who will graduate 45:9-41.6 - the Board's approval of a school and its course of study.
The Board President appointed an Ad-Hoc Committee (Drs.' Allen, Calio, Krouse and Stabile) to develop the Board's response to the proposed regulations and submit it by the deadline.

A motion by Dr. O'Connor, seconded by Dr. Allen , the Board voted to clarify the approval granted to students at D'Youville to account for all students who graduated under the course of study that was submitted to and approved by the Board. A vote was taken and the motion passed with all members present voting in favor.

III. C.E. COMMITTEE

The committee re-reviewed a submission of "The Chiropractic Leadership Summit" in Parsippany, NJ from November 4-6, 2011. The committee found that the conference was acceptable, but denied credit for a one hour course in the function of innate intelligence as too basic to qualify for continuing education credit.

A motion was made by Dr. O'Connor, which was seconded by Dr. Allen, to approve the recommendations of the CE committee. A vote was taken and the motion passed with all members present voting in favor.

IV. REGULATIONS

A. PROPOSED REGULATIONS

Regulatory Analyst Elizabeth Greenblatt appeared to discuss the proposed regulations. She described the concerns expressed by the Office of Administrative Law, and additions to the proposal prepared by the rules and regulations committee to address these concerns.

A motion was made by Dr. Calio, which was seconded by Dr. O'Connor, to approve the proposal, as amended, for publication. A vote was taken and the motion passed with all members present voting in favor.

V. OPEN DISCIPLINARY MATTERS

A. SCOTT WHITE, D.C.

Received as information only.

VI. APPLICATIONS FOR LICENSURE

A. EMANUEL H. BOTELHO, D.C. (INITIAL)

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

B. TODD P. CUNNINGHAM, D.C. (ENDORSEMENT)

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

**C. CHARLES NISIVOCIA, D.C. - (REINSTATEMENT)
JEFFREY RANDOLPH, ESQ. -COUNSEL
11:00 A.M. APPEARANCE**

A Consent Order was filed in November 2005 suspending Dr. Nisivoccia's license for two years active, and three years of probation, a \$10,000 penalty, paying the costs of the Board's investigation, and completing the PROBE course. Dr. Nisivoccia has complied with the terms of the agreement and requests reinstatement of his chiropractic license.

(* The Board moved into executive session to deliberate on this request)

The Board determined to table the request for reinstatement until Dr. Nisivoccia provides additional information to the Board and take and pass the SPEC.

HANDOUT

D. ROBERT WILLIAM SANDELL (Endorsement)

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

ADJOURNMENT

A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR. SENATORE, TO GO INTO EXECUTIVE SESSION AT 10:20 A.M., TO CONSIDER ONE REFERRAL FROM OTHER STATE AGENCIES, FOUR CONSUMER COMPLAINTS, TWO OPEN MATTERS, THREE MISCELLANEOUS MATTERS AND ONE APPEARANCE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Jonathan Eisenmenger
Executive Director

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