

**STATE OF NEW JERSEY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF CHIROPRACTIC EXAMINERS  
124 HALSEY STREET, 6<sup>TH</sup> FLOOR  
SOMERSET ROOM  
NEWARK, NEW JERSEY**

**PUBLIC SESSION MINUTES**

**THURSDAY, October 28, 2010**

A meeting of the New Jersey Board of Chiropractic Examiners was held October 28, 2010 at the State Office Building, 124 Halsey Street, 6<sup>th</sup> 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 Michael Krouse, D.C., President of the Board, at 9:45 A.M..

**ATTENDANCE**

**PRESENT:** Drs. Krouse , O'Connor, Stabile, Calio, Senatore, (Murphy- arrived @ 11 am), Rada, Spadafino,

**EXCUSED:** Mr. Traier

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

**I. APPROVAL OF THE PUBLIC SESSION MINUTES OF SEPTEMBER 23, 2010**

**A Motion was made by Dr. Rada, seconded by Dr. Spadafino, to approve the September 23, 2010 minutes as amended. A vote was taken and the motion passed with all members present voting in favor.**

**II. EXECUTIVE DIRECTOR'S REPORT**

The Executive Director reported that the Board will send a letter to all licensees about complying with the new continuing education requirements.

**III. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS**

**A. COMMUNICATION FROM NBCE PRESIDENT DR. TED SCOTT**

**B. PART II & PHYSIOTHERAPY TEST COMMITTEES GATHER AT NBCE**

**These items were received as informational.**

Dr. O'Connor also reported on a NBCE meeting that he and Dr. Spadafino attended in September.

#### IV. CONTINUING EDUCATION

##### A. NY CHIROPRACTIC COLLEGE

The Board reviewed a response from NYCC, to a request made by Dr. Rosemary Calio. NYCC reported that all of their graduates since 1980 have completed a minimum of 45 hours of human nutrition education.

**The chair directed the Executive Director to request the same information from all other chiropractic colleges and universities. This matter was accepted as informational.**

#### V. APPLICATIONS FOR LICENSURE

##### A. HOWARD PAST, D.C. (ENDORSEMENT)

**A motion was made by Dr. Spadafino, which was seconded by Dr. Senatore, to approve Dr. Past application for licensure. A vote was taken and the motion passed with all members present voting in favor.**

##### B. TOD NAKATSUKA, D.C. (ENDORSEMENT)

*NOTE: The Board reviewed Dr. Nakatsuka's application at its September meeting, and determined to request additional information.* The Board received and reviewed information concerning the licensing examination that Dr. Nakatsuka passed in California.

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

##### C. DAVID SCHARBACH, D.C. (ENDORSEMENT)

*NOTE: The Board reviewed Dr. Scharbach's application at its September meeting, and determined to request additional information.* The Board received and reviewed information concerning the licensing examination that Dr. Scharbach passed in California, and information related to a disciplinary action taken by the California State Board in 1989.

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

##### D. STEPHEN PERLMAN, D.C. (REINSTATEMENT)

**A motion was made by Dr. Rada, which was seconded by Dr. O'Connor, the Board determined to issue a license to Dr. Perlman, after he submits proof of successfully completing the JP Exam. A vote was taken and the motion passed with all members present voting in favor.**

##### E. JOHN MATLOCK, D.C. (INITIAL)

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

## **VI. OPEN DISCIPLINARY MATTERS**

### **A. BRYAN BAJAKIAN, D.C.**

The Board reviewed a Final Order filed by the Board, dated October 19, 2010.

**This was accepted as informational.**

### **B. MICHELLE McELLEN, D.C.**

The Board reviewed a report filed by the Center for Personalized Education for Physicians dated October 8, 2010.

**This was accepted as informational.**

### **C. WILLIAM MARA, D.C.**

The Board reviewed a Provisional Order of Denial filed by the Board, dated October 19, 2010.

**This was accepted as informational.**

## **VII. INQUIRES**

### **A. TIMOTHY CROWLEY, D.C.**

Dr. Crowley sent an inquiry to the Board in regards to locations for obtaining CE credits.

**A motion by Dr. Rada, seconded by Dr. O'Connor, the Board determined to send a response that states that the Board has proposed a regulation which would pro-rate the requirement to 24 credits during the current biennial licensing period (9/1/09 to 8/31/11). Additionally, the proposal would permit licensees to complete up to 12 credits via distance learning methods. As per the statute, the Board will be looking to approve courses that have been sponsored by chiropractic colleges, universities and other institutions that offer high quality continuing education courses. A vote was taken and the motion passed with all members present voting in favor.**

### **B. MICHAEL SHERMAN, D.C.**

Dr. Sherman's inquiry is in regards to Nasal Specific Technique.

**A motion by Dr. Calio, seconded by Dr. Senatore, the Board determined to request information about the course, including the syllabus, credentials of the instructor (Dr. Murphy), and any additional information about the technique from peer reviewed journals, textbooks used in chiropractic colleges, FDA approvals, contraindications, etc., in order to make an informed judgment about the technique. A vote was taken and the motion passed with all members present voting in favor.**

A discussion was held about how the Board will make judgments about the efficacy, safety, and a judgment of whether a specific technique is in the core of chiropractic philosophy. These are some of the items that need to be considered by the Board when judging whether a modality is within the scope of practice.

**C. TIFFANY MARSH**

The Board reviewed an inquiry from Ms. Marsh regarding whether chiropractors may perform and bill physical therapy modalities on patients.

**The board president directed the executive director to respond that the Board does not give any guidance on billing. Additionally, chiropractors may refer patients to another chiropractor.**

**VIII. APPEARANCE PURSUANT TO CONSENT ORDER**

**A. JOHN DUERKES, D.C. - 10:00 AM**

Dr. Duerkes appeared pursuant to the terms of a Consent Order entered with the Board on August 26, 2009, which required him to appear in order to modify the probationary period. The Board also reviewed a report concerning Dr. Duerkes' completion of the ProBE program held on January 8-10, 2010.

Following his testimony, the Board moved to executive session to deliberate. The Board returned to public session.

**A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to remove the probationary status from Dr. Duerkes' license. A vote was taken and the motion passed with all members present voting in favor.**

**PUBLIC COMMENTS**

Dr. Joseph Margosin, Sr., appeared to comment on his application for continuing education course approval. The Board thanked him for his interest in this issue.

**ADJOURNMENT**

**A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. MURPHY, TO GO INTO EXECUTIVE SESSION AT 12:00 P.M., TO CONSIDER THREE (3) CONSUMER COMPLAINTS, TWO (2) OPEN COMPLAINTS, TWO (2) REFERRALS FROM OTHER AGENCIES AND TWO (2) MISCELLANEOUS MATTERS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.**

Respectfully Submitted,

Jonathan Eisenmenger  
Executive Director

/s/