

**STATE OF NEW JERSEY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF CHIROPRACTIC EXAMINERS  
124 HALSEY STREET  
NEWARK, NEW JERSEY  
PUBLIC SESSION MINUTES  
THURSDAY, NOVEMBER 21, 2013**

A meeting of the New Jersey Board of Chiropractic Examiners was held on November 21, 2013 at the State Office Building, 124 Halsey Street, 7<sup>th</sup> floor, Newark, New Jersey in the Somerset Room on the 6<sup>th</sup> 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:

<b>David A. Allen, D.C.</b>	<b>Present</b>
<b>Rosemary Calio, BSN, RN, D.C.</b>	<b>Present</b>
<b>Michael Krouse, D.C.</b>	<b>Present</b>
<b>Lawrence O'Connor, D.C.</b>	<b>Present</b>
<b>Thomas A. Senatore, Sr., D.C.</b>	<b>Excused</b>
<b>Michael Spadafino, D.C.</b>	<b>Present</b>
<b>Albert Stabile, Jr., D.C.</b>	<b>Excused</b>
<b>John Traier</b>	<b>Absent</b>
<b>James L. Winters, D.C.</b>	<b>Present</b>

Also present were: **Virginia Class Matthews, Deputy Attorney General; Laura Anderson, Executive Director; and Tracy Steel, Board Staff.**

**PUBLIC COMMENT**

**I. APPROVAL OF THE PUBLIC SESSION MINUTES OF OCTOBER 24, 2013**

A motion was made by Dr. Spadafino which was seconded by Dr. Krouse, to approve the public session minutes from the October 24, 2013 meeting as amended. A vote was taken and the motion passed with all members voting in favor.

## **II. CONTINUING EDUCATION COMMITTEE**

The continuing education committee reviewed courses submitted by continuing education sponsors. The committee recommended that 2 courses be denied and 20 courses be approved based on the information submitted for these courses. The committee identified 3 courses where sponsors will be requested to provide additional information. A motion was made by Dr. Calio and seconded by Dr. O'Connor, to deny the 2 courses and approve the 20 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. Spadafino, 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. Anthony V. Badalamenti (Endorsement)**

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

#### **2. Michael McLarnon**

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

#### **3. Michael Rullo**

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

### **B. Application for Reinstatement**

#### **1. Nicholas John Sottiriou, D.C.**

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, to deny Dr. Sottiriou's application for reinstatement as he did not comply with all the provisions of the Final Decision of Order that was filed by the New Jersey Board of Chiropractic Examiners on August 11, 1999. A vote was taken and the motion passed with all members present voting in favor.

2. Gerlando Zamuto, D.C.

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

3. Anthony J. Panzica, D.C.

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

4. Timothy Robert McGaurn, D.C.

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, to issue Dr. McGaurn a Demand for Statement Under Oath concerning his chiropractic employment history. A vote was taken and the motion passed with all members present voting in favor.

5. David Kirstein, D.C.

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

6. Patrick Gentempo Jr., D.C.

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

7. Philip Agrios, D.C.

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

8. Robert Kleinberg, D.C.

A motion was made by Dr. Spadafino, which was seconded by Dr. Calio, to approve Dr. Kleinberg's application for reinstatement. The Board will inform Dr. Kleinberg that he has sixty days to provide proof that he completed thirty continuing education credits. The Board will remind Dr. Kleinberg that he must also complete an additional thirty continuing education credits by August 31, 2015. A vote was taken and the motion passed with all members present voting in favor.

9. David Cavadel, D.C.

A motion was made by Dr. Spadafino, which was seconded by Dr. Calio, to approve Dr. Cavadel's application for reinstatement. The Board will inform Dr. Cavadel that he has sixty days to provide proof that he completed thirty continuing education credits. The Board will remind Dr. Cavadel that he must also complete an additional thirty continuing education credits by August 31, 2015. A vote was taken and the motion passed with all members present voting in favor.

C. Inquiry from Garry M. Silvesti, D.C.  
RE: Continuing Education

Dr. Silvesti inquired whether the Board would permit him to count some of the academic credits he completed for his Master of Medical Science degree towards the continuing education requirement.

A motion was made by Dr. Spadafino, which was seconded by Dr. Krouse, to request that Dr. Silvesti provide the Board with more detailed information concerning the courses. A vote was taken and the motion passed with all members present voting in favor.

D. Inquiry from Adam S. Malamut  
RE: Administering and billing of Percutaneous Electrical Nerve Stimulation

This matter will be tabled until the January 23, 2014 meeting.

E. Inquiry from James R. Fedich, D.C.  
RE: Non-Invasive Cold Laser Treatments

Dr. Fedich inquired whether chiropractors will be able to perform non-invasive cold laser treatments under the State Board of Medical Examiners Proposed New Rules: N.J.A.C. 13:35-6.14A, 6.14B and 6.14C as well as the Proposed Amendments: N.J.A.C. 13:35-6.14.

A motion was made by Dr. O'Connor, which was seconded by Dr. Krouse, to gather more information. A vote was taken and the motion passed with all members present voting in favor.

- F. Inquiry from A.R. Scopelliti, D.C.  
RE: Scope of Practice

Dr. Scopelliti is concerned that chiropractors are allowed to make decisions regarding medical necessity on procedures with which they have no training.

The Board noted that Dr. Scopelliti's concerns were vague.

A motion was made by Dr. Calio, which was seconded by Dr. Winters to ask Dr. Scopelliti to provide more specific information regarding his concerns. A vote was taken and the motion passed with all members present voting in favor.

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

Dr. Cohen informed the Board that he made several attempts to renew his license on August 30 and 31, 2013, but was unable to do so due to an invalid login message. Dr. Cohen called the Board office on September 3, 2013 to resolve the matter and was informed that he must pay a late fee as the renewal deadline was on August 31, 2013.

Dr. Cohen asked the Board if he could receive a refund of the late fee since he made several attempts to renew his license prior to the deadline.

A motion was made by Dr. O'Connor, which was seconded by Dr. Calio to refund Dr. Cohen the late fee if there is evidence that he attempted to renew prior to the August 31, 2013 deadline. A vote was taken and the motion passed with all members present voting in favor.

- H. Inquiry from R. Scott Jerger  
RE: Dry Needling and Violations of the U.S. Food, Drug, and Cosmetic Act

This matter will be tabled until the January 23, 2014 meeting.

#### IV. INFORMATIONAL

- A. Roger Weiss, D.C.  
Consent Order filed October 15, 2013

The Board reviewed the Consent Order filed October 15, 2013 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. Krouse, to adjourn the meeting at 1:00 P.M. A vote was taken and the motion passed with all members present voting in favor.

Respectfully submitted,

Lisa Tadeo  
Executive Director