

**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, NOVEMBER 30, 2006**

A meeting of the New Jersey Board of Chiropractic Examiners was held November 30, 2006 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 Lawrence O'Connor, D.C., President of the Board, at 9:30 AM.

ATTENDANCE

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

EXCUSED: Dr. Murphy

ALSO PRESENT: DAG John Hugelmeyer, Executive Director Kevin Earle, Government Representative Venus Hall, and Recording Secretary Sonya Liverpool.

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF OCTOBER 19, 2006

A MOTION WAS MADE BY MR. TRAIER, WHICH WAS SECONDED BY DR. SPADAFINO, TO APPROVE THE PUBLIC SESSION MINUTES OF OCTOBER 19, 2006 AS AMENDED. A VOTE WAS TAKEN, AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. OLD BUSINESS

A. PROPOSED REGULATIONS : RE- ADOPTION WITH AMENDMENTS (SUNSET)

The Board reviewed the final draft of responses to comments prepared by Regulatory Analyst Patricia Schiripo. The responses articulated the Board's positions with respect to all comments received as of the October 19, 2006 Board meeting. A few additional comments were received after the Board meeting.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. KOSTINAS, TO APPROVE THE RESPONSES TO COMMENTS AS PRESENTED. A VOTE WAS TAKEN, AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR. STABILE, TO APPROVE THE RE-ADOPTION WITH AMENDMENTS AS PUBLISHED IN THE NEW JERSEY REGISTER. A VOTE WAS TAKEN, AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. PROPOSED REGULATIONS: PROFESSIONAL PRACTICE STRUCTURES

Executive Director Earle reported that the proposed regulations on "Professional Practice Structures" have been submitted for publication as a proposal. The proposal is currently being reviewed in the Governor's Office.

C. THOMAS GIORDANO, D.C.

The Board reviewed correspondence submitted by Thomas V. Giordano, D.C., requesting the Board reconsider an application for licensure and suggesting that the Board has the discretion to grant licenses based upon considerations that may forego the requirements outlined in N.J.S.A.45:9-41.6.

A MOTION WAS MADE BY DR. STABILE, WHICH WAS SECONDED BY DR. SPADAFINO, TO THANK DR. GIORDANO FOR HIS COMMENTS BUT NOTE THAT THE BOARD HAS BEEN ADVISED BY THE

ATTORNEY GENERAL THAT IT DOES NOT HAVE THE LEGAL AUTHORITY AND DISCRETION SUGGESTED BY HIS CORRESPONDENCE. A VOTE WAS TAKEN, AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

III. NEW BUSINESS

A. DIVISION OF LAW BILLING

The Board reviewed the latest report of billing for services provided by the Division of Law to the Board of Chiropractic Examiners. This was accepted as informational.

IV. APPLICATIONS

A. DAVID RENDELSTEIN, D.C.

Dr. Rendelstein is an initial applicant for licensure by examination. His examination revealed the existence of an incident in his past. Evidence of court disposition was attached for the Board's review. The Board determined that this matter did not appear to be an impediment to licensure. However, it was noticed that Dr. Rendelstein checked off the box "yes" to one of the questions in the application, and then followed it with the word "no." An explanation is requested.

V. ELECTRO- DIAGNOSTIC TESTING APPLICATIONS

A. ROBERT KLASS, D.C.

A MOTION WAS MADE BY DR. STABILE, WHICH WAS SECONDED BY DR. KOSTINAS, TO APPROVE THIS APPLICATION FOR AN ELECTRO- DIAGNOSTIC PERMIT. A VOTE WAS TAKEN, AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VI. MISCELLANEOUS MATTERS

A. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS: UPDATED INTERNATIONAL ELIGIBILITY POLICY

This was accepted as informational.

B. COUNCIL ON CHIROPRACTIC EDUCATION: REPORT OF NEWLY ELECTED COMMISSIONERS

This was accepted as informational.

C. COUNCIL ON CHIROPRACTIC EDUCATION: NEWLY ELECTED DIRECTORS

This was accepted as informational.

D. COUNCIL ON CHIROPRACTIC EDUCATION: STANDARDS REVIEW REMINDER

This was accepted as informational.

VII. APPEARANCES

A. JOSEPH A. PERELLI, D.C.

(Dr. Spadafino was recused and left the room)

Dr. Perelli is an applicant for reinstatement. In reviewing his application, it was found that Dr. Perelli was the subject of disciplinary action in the Commonwealth of Pennsylvania. Dr. Perelli appeared to answer questions regarding the disciplinary matter. The license in Pennsylvania is currently without any restrictions. Following the appearance, the Board went into Executive Session to deliberate.

UPON RETURNING TO PUBLIC SESSION, A MOTION WAS MADE BY DR. STABILE, WHICH WAS SECONDED BY DR. CALIO, TO APPROVE

DR. PERELLI'S APPLICATION FOR REINSTATEMENT SUBJECT TO THE SUCCESSFUL COMPLETION OF THE NEW LICENSEE ORIENTATION & JURISPRUDENCE EXAMINATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VIII. LICENSURE MATTERS

JAMES G. APITO, D.C.

The license of James G. Apito was suspended by virtue of a Board Order entered on October 25, 2000, based upon issues relating to impairment. The Board received a letter from the Professional Assistance Program of New Jersey dated October 31, 2006 requesting that the Board consider Dr. Apito's reinstatement to the active practice of Chiropractic. The Board questioned some of the medical issues raised in the PAP letter and asked that a written explanation of that information be submitted to the Board.

A MOTION WAS MADE BY MR. TRAIER, WHICH WAS SECONDED BY DR. KOSTINAS, TO GRANT THE REQUEST OF AN APPEARANCE TO CONSIDER DR. APITO'S REINSTATEMENT TO THE ACTIVE PRACTICE OF CHIROPRACTIC. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

IX. ADJOURNMENT

A MOTION WAS MADE BY DR. KOSTINAS, WHICH WAS SECONDED BY MR. TRAIER, TO GO INTO EXECUTIVE SESSION TO REVIEW PENDING CONSUMER COMPLAINTS & DISCIPLINARY MATTERS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Kevin B. Earle, M.P.H.
Executive Director