



**State of New Jersey
Division of Consumer Affairs
Board of Chiropractic Examiners**

Public Session Minutes

December 5, 2002

A meeting of the New Jersey Board of Chiropractic Examiners was held on December 5, 2002 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 Mary Ellen Rada, D.C., Vice-President of the Board at 10:00 AM.

ATTENDANCE:

Drs. Atkisson, Calio, Louro, Murphy, O'Connor, Rada, Senatore and Winters Mr. Faulkner and Mr. Traier

ALSO PRESENT:

DAG Victoria Manning, Executive Director Kevin Earle, Paralegal James Rodriguez and recording secretary Nina Lado

ABSENT:

Dr. Murphy

LATE ARRIVAL:

Due to inclement weather, Drs. Louro and Atkisson arrived at 11:30 AM

NEW BOARD MEMBER

Dr. Rada welcomed Dr. Rosemary Calio to the Board. Dr. Calio replaced Dr. Kim Stetzel. Dr. Rada commended Dr. Stetzel for her years of service on the Board.

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF OCTOBER 28, 2002

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. SENATORE TO APPROVE THE PUBLIC SESSION MINUTES AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED BY A MAJORITY OF THE MEMBERS PRESENT. DRS. CALIO AND WINTERS AND MR. FAULKNER ABSTAINED.

II. OLD BUSINESS

a. LIFE UNIVERSITY

***Dr. O'Connor was recused from consideration in this matter.**

On November 20-22, 2002 a site team consisting of Dr. Anthony DeMarco, Dr. Robert Apuzzio and Dr. Lawrence O'Connor were joined by Executive Director Earle and visited the campus of Life University to conduct a site visit for the purposes of determining the University's status of Board approval pursuant to the Board's statutory requirements set forth in N.J.S.A. 45:9-41.6 a copy of the site team report was distributed to the Board members with the team's recommendations.

The site team has recommended that Life University be given a provisional approval for a period of one year or the completion of four additional quarters subject to an additional site inspection at the end of that period. During that time, the Board expects the following recommendations to be implemented:

1. The University should re-assess its academic probation policy which the site team noted to be weak and generally unenforced. The site team suggested that the University confer with other chiropractic colleges. Reports on revisions and enforcement progress is to be submitted on a quarterly basis.
2. Consideration should be given towards identifying an individual who by virtue of educational background and experience shall serve as the Dean of the Chiropractic College.
3. Enhancements in curriculum including further review of sequencing and monitoring of student performance on National Board's should be conducted to reflect greater understanding of the knowledge and skills necessary to be an effective clinician. Reports on re-sequencing should be submitted for its review.
4. Cooperation and integration of didactic and clinical sciences should be enhanced to ensure feedback to the clinical sciences department. The site team suggested that the clinical science faculty be integrated into the clinic peer review process.
5. Radiology course sequencing should be reviewed.
6. Develop and maintain strong entrance and admission standards.
7. Faculty input and collaboration on improvements and curriculum development should be encouraged.
8. Sufficient faculty/student ratios should be maintained.

AFTER SOME DISCUSSION, A MOTION WAS MADE BY DR. WINTERS WHICH WAS SECONDED BY DR. RADA TO APPROVE THE RECOMMENDATIONS AS REPORTED BY THE SITE TEAM. THE REPORT OF THE SITE TEAM WILL BE EMBODIED IN THE FORM OF AN ORDER OF THE BOARD. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

DR. ATKISSON EXPRESSED THE APPRECIATION OF THE BOARD TO THE SITE TEAM MEMBERS FOR THEIR EXCELLENT WORK.

B. LARRY SABEL, D.C.

The Board reviewed a copy of the report of the Ethics Group, LLC on Dr. Sabel's participation in the ProBE ethics intervention.

THIS WAS ACCEPTED AS INFORMATIONAL.

III. LEGISLATIVE REVIEW

A. ASSEMBLY BILL No. 2557

The Board reviewed a copy of Assembly Bill No.2557 as originally introduced that would revise the statutes regarding physical therapists and physical therapy assistants. The legislation was reported out of the Assembly Regulated Professions Committee with amendments. A copy of the amended bill was also attached and provided to the Board for its review.

Some discussion occurred concerning Subsection 3b of the Bill which would delete the referral requirement in the current statute. The Board suggested that the training of a physical therapist is insufficient to be able to perform a differential diagnosis and noted that the education of a physical therapist is directed for the physical therapist to function in a supportive role. The Board noted that in many cases a patient may present with certain symptoms which upon further analysis and diagnosis would suggest that physical therapy might be contraindicated. The Board cited the example of a patient that presents with low back pain who may in fact be suffering from prostate problems or kidney stones. Other similar examples were cited by several Board members. The Board noted a new terminology that is included in the amended version of the Bill that refers to "movement related functional limitation." The Board noted that this terminology is not defined in the legislation and further noted that potentially the language in this section would give physical therapists broad ability to expand their scope of practice.

The Board also noted that the word manual therapy should be clearly defined so as not to infringe upon the exclusive domain of other regulated professions without proper training, particularly suggesting that the manipulation of the spine may sometimes be called joint mobilization but does require more advanced training in order to affect such a treatment.

The Board also noted that in Subsection 14 reference is made to require referrals to other practitioners and delineates the professions of dentistry, podiatry, medicine or surgery but fails to include chiropractor within this section.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. WINTERS TO PROVIDE THIS INFORMATION TO THE OFFICE OF THE DIRECTOR OF THE DIVISION OF CONSUMER AFFAIRS FOR COMMUNICATION TO THE ATTORNEY GENERAL'S OFFICE REGARDING THE BOARD'S POSITION ON THIS LEGISLATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. LASER THERAPY APPLICATIONS FOR CHRONIC JOINT PAIN

Further research was done by Drs. Rada and Calio considering the issue of the use of cold laser therapy on chiropractic patients, following an inquiry made by Dr. Michael Carbone. Additional information was submitted by theraLASE Corporation and a letter was received from the New Jersey Chiropractic Society on December 1, 2002 reporting that the Board of Directors of NJCS requested that the New Jersey Board permit its licensees to use low level laser therapy. Some discussion ensued regarding the status of FDA approval for these devices and for what specific conditions. Dr. Rada noted that her research had indicated that FDA approval had been limited to carpal tunnel syndrome and shoulder pain. Dr. Calio noted that this therapy has been used extensively in Europe and had been classified as a modality with "minimal risk."

As the Board did was not able to achieve a consensus on this issue a **MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. SENATORE TO TABLE CONSIDERATION OF THIS ISSUE UNTIL THE NEXT BOARD MEETING. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.**

IV. MISCELLANEOUS MATTERS

A. HOPKINS CLINIC FOR PHYSICAL MEDICINE

The Board reviewed information concerning the College of Forensic Sciences which is a subsidiary of the College of Chiropractic Orthopedics of the American Chiropractic Association.

THIS WAS ACCEPTED AS INFORMATIONAL.

B. FCLB ANNUAL MEETING

The Board reviewed a preliminary announcement of the meeting of the Federation of Chiropractic Licensing Boards scheduled for Orlando Florida from April 30-May 4, 2003. The meeting will be held in conjunction with the conference of the World Federation of Chiropractic. The theme for the meeting will be "A World View of Ethics in Chiropractic Regulation." It was suggested that the same individuals who attended the Portland Maine District meeting be authorized to attend the Federation meeting which would include Drs. Atkisson, O'Connor, Rada and Executive Director Earle.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. SENATORE TO AUTHORIZE THOSE INDIVIDUALS TO ATTEND THE FCLB MEETING. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VI. DISCIPLINARY ACTIONS FILED

A. MICHAEL LIO, D.C.

On June 1, 2001 Dr. Lio was convicted of third degree arson in New Jersey Superior Court in Passaic County, New Jersey. Dr. Lio's license to practice chiropractic in New Jersey was suspended for three years, six months to be active pursuant to N.J.S.A. 45:1-21(f) in that the crime for which Dr. Lio was convicted constituted a crime of moral turpitude and/or one which relates adversely to the practice of chiropractic.

B. HOWARD TORNOPSKY, D.C.

A Consent Order was Filed with the Board on November 19, 2002 regarding information received that Dr. Tornopsky billed for services not documented in his patient records. Dr. Tornopsky's license to practice chiropractic was suspended for one year from the date of the Order; the suspension will be stayed to serve as a period of probation providing that he adhere to all the terms and conditions. Dr. Tornopsky must also complete and pass twelve hours of continuing education in the area of record keeping. A civil penalty of \$2500 was assessed as well as costs to the State in the amount of \$7591.44.

C. DORIS HARTELL, D.C.

An Offer of Settlement in lieu of filing a formal disciplinary action was filed with the Board on November 8, 2002 for failure to prepare and maintain a contemporaneous, permanent patient record. Dr. Hartell was assessed a penalty in the amount of \$500 as well as costs to the State of \$425. Dr. Hartell must also successfully complete and pass a 12 hour course in the area of record keeping.

VII. APPLICATIONS FOR LICENSURE

A. JOSHUA DUFFY, D.C.

Dr. Duffy is a recent graduate of Life University and came to the Board's attention with respect to a DUI arrest of recent date just prior to graduation.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY MR. FAULKNER TO GO INTO EXECUTIVE SESSION TO CONDUCT THE INQUIRY.

THE BOARD RETURNED TO PUBLIC SESSION AND A MOTION WAS MADE BY DR. LOURO WHICH WAS SECONDED BY MR. FAULKNER TO GRANT DR. DUFFY A LICENSE TO PRACTICE CHIROPRACTIC IN THE STATE OF NEW JERSEY. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VIII. DISCIPLINARY ACTIONS PENDING CONCLUSION

RICHARD FINDER, D.C.

The Board reviewed a Consent Order presented by Deputy Attorney General Douglas Harper in the matter of Richard Finder, D.C. which would be a disposition of a an outstanding complaint. The Board authorized the approval of the Order which would include a voluntary revocation of license and monetary penalties in the amount of \$50,000.

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

IX. ENDORSEMENT

WILLIAM JOSEPH VENDITTELLI, D.C.

Dr. Vendittelli is a 1981 graduate of Life University and holds licenses in New York, Georgia and Florida. Dr. Vendittelli has maintained a chiropractic practice in the State of New York since 1981. A review of CIN-BAD reveals no derogatory information.

A MOTION WAS MADE BY DR. WINTERS WHICH WAS SECONDED BY DR. RADA TO APPROVE DR. VENDITTELLI FOR LICENSURE BY ENDORSEMENT PENDING THE SUCCESSFUL COMPLETION OF THE JURISPRUDENCE EXAMINATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ADJOURNMENT

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY DR. O'CONNOR TO ADJOURN THE PUBLIC SESSION OF THE BOARD MEETING TO GO INTO EXECUTIVE SESSION TO CONSIDER PENDING DISCIPLINARY MATTERS AND CONSUMER COMPLAINTS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBER PRESENT VOTING IN FAVOR.

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