

**STATE BOARD OF CHIROPRACTIC EXAMINERS
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS**

**PUBLIC SESSION MINUTES
DECEMBER 16, 2004**

A meeting of the New Jersey Board of Chiropractic Examiners was held on December 16, 2004 at the State Office Building, 124 Halsey Street, 7th 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 Thomas Senatore, D.C., President of the Board at 10:00 AM.

ATTENDANCE

PRESENT: Drs. Atkisson, Calio, Louro, O'Connor, Rada, Senatore and Stabile Mr. Faulkner and Mr. Traier

EXCUSED: Dr. Murphy

ALSO PRESENT: DAG John Hugelmeyer, Executive Director Kevin Earle, Venus Hall, Paralegal and recording secretary Shekenna Brown.

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF NOVEMBER 18, 2004.

A MOTION WAS MADE BY MR. TRAIER WHICH WAS SECONDED BY DR. RADA TO APPROVE THE PUBLIC SESSION MINUTES OF NOVEMBER 18, 2004 AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. OLD BUSINESS

REPORT OF THE CONTINUING EDUCATION COMMITTEE

Dr. Stabile reported that a productive meeting was held with representatives of the Association of New Jersey Chiropractors to discuss proposed legislation that would establish a CE requirement in New Jersey. Members of the Board and the Executive Director explained the process by which the Board would proceed with rulemaking following passage of such legislation. The association will be drafting legislation which will be provided to the Board before it is introduced.

III. NEW BUSINESS

A. BOARD BUDGET

Darlene Kane, Fiscal Office with the Division of Consumer Affairs reviewed a report of expenditures and revenue for the previous biennial period and a projected budget for fiscal years 2005, 2006 and 2007. The possibility of increasing licensure fees for the next biennial renewal was discussed. Ultimately it was concluded that no increase would be necessary for this year. However, the Board may need to discuss a fee increase in conjunction with this renewal in fiscal year 2007.

A MOTION WAS MADE BY MR. FAULKNER WHICH WAS SECONDED BY DR. O'CONNOR TO HOLD LICENSURE FEES AT CURRENT LEVELS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

IV. PENDING DISCIPLINARY MATTERS

A. MICHAEL BAER, D.C.

The Board reviewed a communication submitted by Stephen D. Brown, Esq. on behalf of Dr. Baer, in response to a Provisional Order of Discipline dated October 7, 2004 based upon Dr. Baer's plea of guilty in New Jersey Superior Court to an indictment which alleged violations including healthcare claims fraud and the criminal use of a runner. Dr. Baer was sentenced to a term of three years of incarceration on each of the two counts, to run concurrently. The Provisional Order sought to suspend Dr. Baer's license for a period of five years, two of which to serve as a period of active suspension and the final three years to be stayed and to become a period of probation. During the period of active suspension, Respondent would be required to pass either the ProBE or PRIM-E ethics course. A civil penalty of \$7,500 was included.

UPON CONSIDERING MR. BROWN'S RESPONSE, A MOTION WAS MADE BY DR. LOURO WHICH WAS SECONDED BY DR. STABILE TO MODIFY THE PROVISIONAL ORDER TO MAKE THE ACTIVE SUSPENSION COMMENCE ON JANUARY 16, 2004 AND LEAVE ALL OTHER PROVISIONS OF THE ORDER INTACT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. TERRY MCSWEENEY, D.C.

The Board reviewed the final assessment and report of Dr. McSweeney's participation in the PRIM-E ethics course completed on November 19-21, 2004.

THIS WAS ACCEPTED AS INFORMATIONAL.

V. ENDORSEMENT APPLICANTS

A. DONALD FORSMAN, D.C.

B. ROBERT H. GREENBERG, D.C.

C. GEORGE HATZAKOS, D.C.

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. STABILE TO APPROVE THE ABOVE NOTED CANDIDATES FOR LICENSURE BY ENDORSEMENT SUBJECT TO THE SUCCESSFUL COMPLETION OF THE JURISPRUDENCE EXAMINATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VI. ELECTRODIAGNOSTIC TESTING & SPECIAL EXAMINATION PERMITS

A. SEAN M. NISIVOCCIA, D.C.

Consideration of this application was tabled and moved to executive session.

B. ALBERT STABILE, D.C.

(Dr. Stabile was recused in the consideration of this application and left the room)

A MOTION WAS MADE BY DR. LOURO WHICH WAS SECONDED BY DR. O'CONNOR TO APPROVE DR. STABILE'S APPLICATION BASED UPON HIS LONG RECORD OF TEACHING AND RESEARCH AND EDUCATION IN ELECTRODIAGNOSTIC TESTING. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ADJOURNMENT

A MOTION WAS MADE BY MR. TRAIER WHICH WAS SECONDED BY MR. FAULKNER TO MOVE INTO EXECUTIVE SESSION TO CONSIDER PENDING BOARD INVESTIGATIONS, CONSUMER COMPLAINTS

AND DISCIPLINARY MATTERS AT 11:00AM. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Kevin B. Earle, MPH
Executive Director