

STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET
NEWARK, NEW JERSEY
PUBLIC SESSION MINUTES
THURSDAY, DECEMBER 18 , 2014

A meeting of the New Jersey Board of Chiropractic Examiners was held on December 18, 2014 at the State Office Building, 124 Halsey Street, 7th floor, Newark, New Jersey in the Somerset Conference Room on the 6th 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 Lawrence O'Connor, D.C., at 9:45 A.M. A roll call was taken and the following attendance was recorded and a quorum was present:

David A. Allen, D.C.		Excused
Rosemary Calio, BSN, RN, D.C.	Present	
Paul Lyons, D.C.	Present	
Lawrence O'Connor, D.C.	Present	
Thomas A. Senatore, Sr., D.C.	Present	
Albert Stabile, Jr., D.C.	Present	
John Traier	Absent	
Brett A. Wartenberg, D.C.	Present	
James L. Winters, D.C.	Present	

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

I. APPROVAL OF THE PUBLIC SESSION MINUTES

A. October 23, 2014

A motion was made by Dr. Senatore, which was seconded by Dr. Calio, to approve the public session minutes from the October 23, 2014 Board meeting as amended. A vote was taken and the motion passed with all members voting in favor.

B. November 20, 2014

A motion was made by Dr. Senatore, which was seconded by Dr. Stabile, to approve the public

session minutes from the November 20, 2014 Board 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 50 courses submitted by continuing education sponsors. Twenty three courses in November and 27 courses in December. The committee recommended that 50 courses be approved based on the information submitted for these courses. A motion was made by Dr. Stabile and seconded by Dr. Wartenberg, to approve the 50 courses as recommended by the committee. A vote was taken and motion passed with all members present voting in favor.

III. NEW BUSINESS

A. Application for Chiropractic Licensure

1. Eli Zachary Berk

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

2. Eric Obadia (Endorsement)

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

B Application for Reinstatement

1. Dominic Cirigliano, D.C.

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

2. Nart Tsay, D.C.

A motion was made by Dr. Senatore, which was seconded by Dr. Stabile, to reinstate Dr. Tsay's license once he provides documentation of his legal name. A vote was taken and the motion passed with all members present voting in favor.

C. Electrodiagnostic Application

1. Keren Morgan, D.C.

A motion was made by Dr. Senatore, which was seconded by Dr. Stabile, that Dr. Morgan's Electrodiagnostic application be approved. A vote was taken and the motion passed with all members present voting in favor.

D. Inquiry from Larry Hardcastle, Esq.
RE: Selling a Chiropractic Practice

Mr. Hardcastle inquired as to how long a widow of a chiropractor has to sell their late-husband's practice?

A motion was made by Dr. Calio and seconded by Dr. Winters to ask Mr. Hardcastle for more information. A vote was taken and the motion passed with all members present voting in favor.

E. Inquiry from Sheetal Patel, D.C.
RE: Continuing Education

Pursuant to N.J.S.A. 45:9-41.28 licensees are required to complete 30 continuing chiropractic education credits for each biennial renewal period and two of the 30 credits must be in nutrition education. In accordance with N.J.A.C. 13:44E-1A.5(o) a licensee who completes more than 30 continuing chiropractic education credits required may apply no more than seven of the excess credits to the continuing chiropractic education requirements for the following biennial renewal period only. Dr. Patel inquired whether he can carry over 2 credits in nutrition if he completed a 4 credit course in nutrition.

A motion was made by Dr. Senatore, which was seconded by Dr. Stabile, that Dr. Patel be informed that he can carry over 2 credits of the 4 credits he completed from the nutrition course into the following biennial renewal period provided the total credits he completes during the renewal period exceed the 30 required continuing chiropractic education credits. A vote was taken and the motion passed with all members present voting in favor.

F. Inquiry from Gary Sztanko, D.C.
RE: Patient Records

Dr. Sztanko informed the Board that he had a business partnership with another chiropractor that has ended. Dr. Sztanko inquired how these records are divided and/or shared between the two of them now that the partnership has ended.

A motion was made by Dr. Senatore, which was seconded by Dr. Stabile, to refer Dr. Szitanko to the statutes and regulations. A vote was taken and the motion passed with all members present voting in favor.

- G. Inquiry from David Klayman, D.C.
RE: Scope of Practice

Dr. Klayman inquired whether New Jersey licensed chiropractors are allowed to perform Spirometry testing.

A motion was made by Dr. Senatore, which was seconded by Dr. Stabile, to inform Dr. Klayman that Spirometry testing is within the scope of chiropractic practice. A vote was taken and the motion passed with all members present voting in favor.

- H. Inquiry from Cheonil Park
RE: Scope of Practice

Dr. Park inquired whether a cash based practice is legal in the State of New Jersey.

A motion was made by Dr. Wartenberg, which was seconded by Dr. Calio, to inform Dr. Park that there is nothing in the New Jersey State Board of Chiropractic statutes or regulations that would preclude a cash based practice. There may be other State or Federal statutes and regulations that may address this issue. A vote was taken and the motion passed with all members present voting in favor.

- I. Inquiry from Jeanmarie Dunn-Kane, Esq.
RE: Scope of Practice

Ms. Dunn-Kane inquired whether a chiropractic physician utilizing a limited liability company as an approved entity structure can conduct business under a duly registered alternate name for that entity.

A motion was made by Dr. Winters, which was seconded by Dr. Lyons, to inform Ms. Dunn-Kane that the New Jersey State Board of Chiropractic statutes and regulations do not address her concern. A vote was taken and the motion passed with all members present voting in favor.

- J. Inquiry from Roger Weiss, D.C.
RE: Disciplinary Action

An Order of Summary Suspension was filed on October 15, 2013 suspending Dr. Weiss' New Jersey Chiropractic license. Dr. Weiss asked that his license be changed from suspended to inactive status.

A motion was made by Dr. Winters and seconded by Dr. Calio, to inform Dr. Weiss that pursuant to the provisions of the Order of Summary Suspension, he can seek reinstatement of his license. Dr. Weiss' license cannot be changed from suspended to inactive unless he applies for the reinstatement of his license and the Board grants him the reinstatement. A vote was taken and the motion passed with all members present voting in favor.

- K. National Board of Chiropractic Examiners
RE: NBCE Delegate and Alternate Delegate

A motion was made by Dr. Senatore, which was seconded by Dr. Wartenberg, to elect Lawrence O'Connor as Delegate and Dr. Stabile as the Alternate Delegate to attend the National Board of Chiropractic Examiners' Annual Business Meeting on May 8, 2015 in New Orleans, Louisiana. A vote was taken and the motion passed with all members present voting in favor.

IV. INFORMATIONAL

- A. Uniform Penalty Letter in Lieu of Formal Disciplinary Complaint
RE: Joseph Canova, Jr., D.C.

The Board reviewed an Uniform Penalty Letter in Lieu of Formal Disciplinary Complaint in the matter of Joseph Canova, Jr., D.C. and considered this to be informational.

- B. Consent Order Filed October 23, 2014
RE: Gregory Frick, D.C.

The Board reviewed a Consent Order Filed October 23, 2014 in the matter of Gregory Frick, D.C. and considered this to be informational.

- C. Consent Order Filed November 10, 2014
RE: Edward F. Kaden, D.C.

The Board reviewed a Consent Order Filed November 10, 2014 in the matter of Edward Kaden, D.C. and considered this to be informational.

- D. Consent Order Filed November 10, 2014
RE: Michael E. Sutter, D.C.

The Board reviewed a Consent Order Filed November 10, 2014 in the matter of Michael Sutter, D.C. and considered this to be informational.

V. FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB)

Dr. O'Connor provided the Board with a verbal update on FCLB activities

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ADJOURNMENT

The Board returned to Public Session and a motion was made by Dr. Senatore which was seconded by Dr. Calio to adjourn the meeting at 11:15 A.M. A vote was taken and the motion passed with all members present voting in favor

Respectfully submitted,

Lisa Tadeo
Executive Director