

**STATE OF NEW JERSEY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF CHIROPRACTIC EXAMINERS  
124 HALSEY STREET  
NEWARK, NEW JERSEY  
PUBLIC SESSION MINUTES  
THURSDAY, DECEMBER 20,2012**

A meeting of the New Jersey Board of Chiropractic Examiners was held on December 20, 2012 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 Albert Stabile, Jr., D.C., President of the Board, at 10:05 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>Excused</b>
<b>Lawrence O'Connor, D.C.</b>	<b>Present</b>
<b>Thomas A. Senatore, Sr., D.C.</b>	<b>Present</b>
<b>Michael Spadafino, D.C.</b>	<b>Present</b>
<b>Albert Stabile, Jr., D.C.</b>	<b>Present</b>
<b>John Traier</b>	<b>Absent</b>
<b>James L. Winters, D.C.</b>	<b>Present</b>

Also present were: **John Hugelmeyer, Deputy Attorney General; Virginia Class Matthews, Deputy Attorney General; and Lisa Tadeo, Executive Director**

**PUBLIC COMMENT**

**I. APPROVAL OF THE PUBLIC SESSION MINUTES OF OCTOBER 25, 2012**

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, to approve the public session minutes from the October 25, 2012 meeting as presented. A vote was taken and the motion passed with all members present voting in favor.

**II. CONTINUING EDUCATION COMMITTEE**

The continuing education committee held a conference call on Tuesday, December 4, 2012 and reviewed 73 courses submitted by continuing education sponsors. The committee identified 5 courses where sponsors will be requested to provide additional information. The committee recommended that 1 course be denied and 67 courses be approved based on the information submitted for these courses. A motion was made by Dr. Senatore and seconded by Dr. O'Connor,

to deny the 1 course and approve the 67 courses as recommended by the committee. A vote was taken and the motion passed with all members present voting in favor.

### **III. NEW BUSINESS**

Upon a motion made by Dr. Calio, which was seconded by Dr. O'Connor, 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 to vote on the applications for licensure and reinstatement.

#### A. Application for Chiropractic Licensure

##### 1. Neil Koppel (Initial)

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

##### 2. Jack Atzmon (Endorsement)

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

##### 3. Michael Frustaci (Endorsement)

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

#### B. Reinstatement Application

##### 1. John Thomas Woodward

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

- C. Letter from the World Federation of Chiropractic  
RE: Continuing Education Credits  
- Lawrence O'Connor, DC

The World Federation of Chiropractic inquired whether chiropractors who attended the conference, "Translating Evidence into Practice" in Australia could receive continuing education credit.

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, to refer this letter to the continuing education committee for handling. A vote was taken and the motion passed with all members present voting in favor.

- D. Letter from Logan College of Chiropractic  
RE: Preceptor/Extern/Intern Program

Logan College of Chiropractic inquired whether the State of New Jersey has a preceptor/extern/intern program for students who have completed three years of chiropractic college with the exception of hours.

The Board will inform Logan College of Chiropractic that the State of New Jersey does not have preceptor/extern/intern programs.

- E. Letter from Lowell S. Miller, Esq.  
RE: Practice of Chiropractic

Mr. Miller inquired if a chiropractor can perform chiropractic services out of their home in a limited capacity. Mr. Miller also inquired about the business establishment of a practice.

A motion was made by Dr. Spadafino, which was seconded by Dr. Winters, to advise Mr. Miller that a chiropractor can perform chiropractic services out of their home provided they are a licensed chiropractor in the State of New Jersey. The Board will also refer Mr. Miller to the regulation, N.J.A.C. 13:44E-2.15 *Permissible practice structures*. A vote was taken and the motion passed with all members present voting in favor.

- F. Letter from Jeffrey M. Halkovich, Esq.  
RE: VNG/ENG (vidonystagmogram/electronystagmogram)

Mr. Halkovich inquired whether a chiropractic physician could request a VNG/ENG test to be performed on a patient if clinically warranted and documented. Mr. Halkovich inquired whether the test could be performed by a chiropractic physician and whether the chiropractic physician could interpret a VNG/ENG test. Mr. Halkovich also inquired whether a chiropractic physician could bill for the technical and professional component of the VNG/ENG testing that he or she performed.

A motion was made by Dr. O'Connor, which was seconded by Dr. Senator, to advise Mr. Halkovich that a chiropractic physician could request a VNG/ENG test. A chiropractic physician could perform and interpret the test if they are trained to perform and interpret a VNG/ENG test. The Board will also refer Mr. Halkovich to regulation, N.J.A.C. 13:44E-3.10 Fees.

- G. Inquiry from Michael Willemse, D.C.  
RE: Kinesio Taping

Dr. Willemse inquired whether a chiropractor needed a special certification or license to apply Kinesio Taping to a patient.

A motion was made by Dr. O'Connor, which was seconded by Dr. Senator, to advise Dr. Willemse that a chiropractor does not need a special certification or license to apply Kinesio Taping to a patient but should follow the manufacturer's guidelines of Kinesio Taping. A vote was taken and the motion passed with all members present voting in favor.

- H. Inquiry from Leonette Chapman  
RE: Permissible Practice Structures

Mr. Chapman inquired whether a chiropractor with a suspended license could own a practice. Mr. Chapman also inquired whether a chiropractor who has been convicted in a criminal case can own a chiropractic practice.

A motion was made by Dr. Spadafino, which was seconded by Dr. O'Connor, to advise Mr. Chapman that a chiropractor with a suspended license can own a practice if the suspension is less than a year. The Board will also advise Mr. Chapman that a chiropractor who has been convicted in a criminal case can own a practice if they are licensed or if their license is suspended for less than a year. A vote was taken and the motion passed with all members present voting in favor.

- I. Article, "Two North Jersey Chiropractors Plead Guilty to Taking Cash Kickbacks for Patient Referrals"

The Board reviewed the article, "Two North Jersey Chiropractors Plead Guilty to Taking Cash Kickbacks for Patient Referrals".

- J. Revised Continuing Education Course Application

A motion was made by Dr. Spadafino, which was seconded by Dr. O'Connor, to approve the revised continuing education course application. A vote was taken and the motion passed with all members present voting in favor.

- K. Inquiry from Kyle Knoell, D.C.  
RE: Patient Records

Dr. Knoell informed the Board that he had some patient files that were destroyed as a result of hurricane Sandy. Dr. Knoell ask the Board if he could dispose of the records.

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, to advise Dr. Knoell that he should document the damage and , if possible, create a list of the patient records before disposing of the records. A vote was taken and the motion passed with all members present voting in favor.

- L. Inquiry from Carol O'Connor  
RE: Chirohealthusa

Ms. O'Connor inquired whether Chiroheathusa was a board-approved or accepted organization.

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, to advise Mr. O'Connor that the Board does not approve or deny networks. A vote was taken and the motion passed with all members present voting in favor.

- M. Assembly No. 3427  
(Synopsis - Provides for temporary professional or occupational licensure for qualified nonresident military spouses.)  
- Introduced November 19, 2012

A motion was made by Dr. Winters, which was seconded by Dr. Allen, to advise the Division of Consumer Affairs' legislative liaison that the Board supports Assembly bill 3427. A vote was taken and the motion passed with all members present voting in favor.

#### **IV. OLD BUSINESS**

- A. Inquiry from the Department of Banking and Insurance  
RE: Calmare Pain Therapy Treatment

Gina Lemanowica Pusloski submitted an email inquiry wanting to know if Calmare Pain Therapy Treatment is a recognized treatment that can be performed by Chiropractors.

A motion was made by Dr. Calio, which was seconded by Dr. Spadafino, to advise Ms. Pusloski that Calmare Pain Therapy Treatment can be used by a New Jersey licensed chiropractor in their office as they are licensed chiropractic physicians provided the chiropractor is trained and follows the manufacturer's indications and contraindications. A vote was taken and the motion passed with all members present voting in favor.

- B. Inquiry from Michael Reilly  
RE: Medrox

Mr. Reilly inquired whether a chiropractor could administer or prescribe Medrox ointment and patch.

A motion was made by Dr. Calio, which was seconded by Dr. O'Connor, to advise Mr. Reilly that Medrox patches can be used by a chiropractor. A vote was taken and the motion passed with all members present voting in favor.

## **VI. OPEN DISCIPLINARY MATTERS**

- A. Professional Assistance Program Reports  
RE: Scott White, D.C.  
Consent Order filed January 24, 2008

The Board reviewed a report from Louis E. Baxter, M.D. dated October 31, 2012 concerning Dr. White's continued compliance with the Consent Order filed January 24, 2008 and his monitoring plan with the Professional Assistance Program of New Jersey.

- B. Professional Assistance Program Report  
RE: Peter Steinmetz, D.C.  
Consent Order filed November 29, 2006

The Board reviewed a report from Louis E. Baxter, M.D. dated October 15, 2012 concerning Dr. Steinmetz's continued compliance with the Consent Order filed November 29, 2006 and his monitoring plan with the Professional Assistance Program of New Jersey.

- C. Professional Assistance Program Report  
RE: Peter Simmons, D.C.  
Interim Consent Order Filed July 18, 2012

The Board reviewed a report from Louis E. Baxter, M.D. dated November 30, 2012 concerning Dr. Simmons compliance with his monitoring plan with the Professional Assistance Program of New Jersey.

Upon a motion made by Dr. Calio, which was seconded by Dr. O'Connor, the Board voted to go into Executive Session to discuss matters involving investigations of violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Seven matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.

2. Seventeen matters where additional information has been submitted to the Board concerning pending investigations.

## **ADJOURNMENT**

The Board returned to Public Session and a motion was made by Dr. Spadafino, which was seconded by Dr. O'Connor, to adjourn the meeting at 1:00 P.M. A vote was taken and the motion passed with all members voting in favor.

Respectfully submitted,

Lisa Tadeo  
Executive Director