

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET, 7TH FLOOR
MONMOUTH ROOM
NEWARK, NEW JERSEY**

**PUBLIC SESSION MINUTES
THURSDAY, FEBRUARY 17, 2005**

A meeting of the New Jersey Board of Chiropractic Examiners was held on February 17, 2005 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, Murphy, O'Connor, Rada, Senatore and Stabile and Mr. Traier

EXCUSED: Dr. Stabile and Mr. Faulkner

ALSO PRESENT: DAG John Hugelmeyer, Acting Executive Director Joanne Boyer, Assistant to the Acting Executive Director Maria Lado, Venus Hall, Paralegal and recording secretary Shekenna Brown.

ACTING EXECUTIVE DIRECTOR JOANNE BOYER

Dr. Senatore introduced Ms. Joanne Boyer to the Board. Ms. Boyer is the Executive Director of the Board of Pharmacy and has taken on the added responsibilities of the Board of Chiropractic Examiners, Board of Dentistry, Board of Acupuncture and Midwife Advisory Council.

Ms. Boyer thanked the Board for their warm welcome and expressed to the Board her commitment to making the departure of Kevin Earle a smooth transition. She informed the Board that she would be available for any questions or concerns the Board may have but instructed the Board to communicate with the Board office any Board business. Ms. Boyer advised the Board that Maria (Nina) Lado would be available to assist her with the day to day operation of the Board. Ms. Boyer informed the Board that her title with the Board at this time is Acting Executive Director and should that change at any time the Board would be advised accordingly.

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF JANUARY 20, 2005.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY DR. LOURO TO APPROVE THE JANUARY 20, 2005 MINUTES AS PRESENTED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. OLD BUSINESS

A. APPEARANCE OF DANIEL S. FONTANELLA, D.C. 11:00AM

Dr. Fontanella appeared before the Board in response to a Provisional Order of Discipline which was filed on October 7, 2004 seeking to revoke his license to practice chiropractic in the State of New Jersey based upon his plea of guilty to charges of theft by deception by creating and falsifying treatment and billing records to reflect that he performed examinations and rendered treatments to patients which were not done.

Dr. Fontanella was represented by his attorney Mr. Adolph Galucchio, Esq. Mr. Galucchio presented background information including clarification of his sentencing. Mr. Galucchio represented that the State Court overturned the sentence imposed in Passaic County to include 3 years in State prison of which Dr. Fontanella served 10 months, the remainder was served as probation. Mr Galucchio represented that his client had been addicted to drugs during the period in question and has since sought recovery, gotten married and had a child.

Dr. Fontanella informed the Board that he has been working in the State of New York where he currently still holds an active license. Dr. Fontanella reported that his current employer is not aware of his past including his criminal background. Dr. Fontanella reported that his license in New York is up for renewal this year and believes that New York is aware of his license status in New Jersey. Dr. Fontanella reported not having taken continuing education.

A MOTION WAS MADE BY DR. LOURO WHICH WAS SECONDED BY DR. O'CONNOR TO MOVE INTO EXECUTIVE SESSION FOR THE PURPOSE OF DELIBERATING FURTHER ON THIS ISSUE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY DR. LOURO TO UNCONDITIONALLY REVOKE DR. FONTANELLA'S LICENSE TO PRACTICE CHIROPRACTIC IN THE STATE OF NEW JERSEY FOR THE REASONS SPECIFIED IN THE PROVISIONAL ORDER OF DISCIPLINE WHICH WILL BE ELABORATED IN A FINAL ORDER THAT WILL BE ISSUED WITHIN A REASONABLE PERIOD OF TIME. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

III. GENERAL CORRESPONDENCE

A. INQUIRY REGARDING CHIROPRACTIC PRACTICE AND NUTRITION

The Board reviewed an anonymous correspondence in reference to the scope of practice regulation regarding nutrition, specifically, N.J.A.C. 13:44E-1.1(d).

A MOTION WAS MADE BY DR. LOURO WHICH WAS SECONDED BY DR. RADA TO REFER THE INDIVIDUAL TO THE RULES AND REGULATIONS BOOK AS WELL AS THE BOARD'S NEWSLETTER FOR REFERENCE. THE WRITER OF THIS CORRESPONDENCE IS REQUESTED TO COMMUNICATE DIRECTLY WITH THE BOARD IN THE FUTURE FOR SPECIFIC QUESTIONS AND TO PROVIDE A NAME AND ADDRESS WHERE HE/SHE MAY BE REACHED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. PHILIP T. SANTIAGO, D.C.

Dr. Santiago requested a meeting to discuss the issue of chiropractors in New Jersey performing sports screening for school age athletes.

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. MURPHY TO HAVE DR. SANTIAGO APPEAR AT THE NEXT RULES AND REGULATIONS MEETING YET TO BE SCHEDULED. DR. SANTIAGO SHOULD PROVIDE THE COMMITTEE WITH MORE DETAILED INFORMATION REGARDING HIS POSITION AS WELL AS PROVIDE THE BOARD WITH THE STATE BOARD OF EDUCATION POSITION IN HIS POSSESSION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. CCE ANNOUNCEMENT

The Board reviewed a CCE Announcement regarding the recommendation of the CHEA Committee on Recognition regarding the recognition application submitted by the Council on Chiropractic Education Commission on Accreditation.

THE BOARD ACCEPTED THIS AS INFORMATIONAL.

D. NJBCE BUDGET REPORT

Submitted for Board review is the fiscal year 2005 Budget Report.

THE BOARD ACCEPTED THIS AS INFORMATIONAL.

IV. ENDORSEMENT APPLICANTS

A. SPENCER BROAD, D.C.

Dr. Broad is a 1985 graduate of Pennsylvania College of Straight Chiropractic. He has taken Parts I and II of the National Boards and is licensed to practice in the State of Pennsylvania with no record of disciplinary action.

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. RADA TO TABLE THIS MATTER UNTIL THE BOARD AND DAG HUGELMEYER HAVE HAD SUFFICIENT TIME TO REVIEW THE PENNSYLVANIA COLLEGE OF STRAIGHT CHIROPRACTIC FILE. DR. BROAD SHOULD BE ALLOWED TO TAKE THE JURISPRUDENCE EXAMINATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. THOMAS GIORDANO, D.C.

Dr. Giordano is a 1988 graduate of Pennsylvania College of Straight Chiropractic. He has taken Parts I - IV of the National Boards and holds an inactive licensed to practice chiropractic in the State of Pennsylvania with no record of disciplinary action.

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. RADA TO TABLE THIS MATTER UNTIL THE BOARD AND DAG HUGELMEYER HAVE HAD SUFFICIENT TIME TO REVIEW THE PENNSYLVANIA COLLEGE OF STRAIGHT CHIROPRACTIC FILE. DR. BROAD SHOULD BE ALLOWED TO TAKE THE JURISPRUDENCE EXAMINATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. MICHAEL SCOTT MINICK, D.C.

Dr. Minick is a 1995 graduate of New York Chiropractic College. He has taken Parts I - III of the National Boards and is licensed to practice in the State of New York with no record of disciplinary action.

A MOTION WAS MADE BY DR. RADA WHICH WAS SECONDED BY DR. MURPHY TO GRANT DR. MINICK A LICENSE TO PRACTICE CHIROPRACTIC THROUGH ENDORSEMENT PENDING THE SUCCESSFUL COMPLETION OF THE JURISPRUDENCE EXAMINATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

D. ROBIN A. PARKHILL, D.C.

Dr. Parkhill is a 1980 graduate of Western States Chiropractic College. She has taken Parts I and II of the National Boards and holds an active license to practice in the State of Indiana with no record of disciplinary action. She also holds inactive/expired licenses in California and Hawaii with no record of disciplinary action.

A MOTION WAS MADE BY DR. LOURO WHICH WAS SECONDED BY DR. O'CONNOR TO GRANT DR. PARKHILL A LICENSE TO PRACTICE CHIROPRACTIC THROUGH ENDORSEMENT CONTINGENT UPON THE CLARIFICATION OF DR. PARKHILL'S RESPONSE TO THE QUESTION REGARDING THE PART III EXAMINATION AND THE SUCCESSFUL COMPLETION OF THE JURISPRUDENCE EXAMINATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

V. ELECTRODIAGNOSTIC TESTS AND SPECIAL EXAMINATIONS PERMIT APPLICANT

A. KYUNG P. YU, D.C.

A MOTION WAS MADE BY DR. ATKISSON WHICH WAS SECONDED BY DR. LOURO TO ACCEPT DR. YU'S APPLICATION FOR ELECTRODIAGNOSTIC TESTS AND SPECIAL EXAMINATIONS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VI. PUBLIC COMMENTS

No members of the public were present at the meeting held February 17, 2004.

ADJOURNMENT

A MOTION WAS MADE BY DR. LOURO WHICH WAS SECONDED BY DR. RADA TO ADJOURN THE PUBLIC SESSION MEETING AT 1:35 P.M. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Joanne Boyer, Acting Executive Director