

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

PUBLIC SESSION MINUTES

THURSDAY, FEBRUARY 24, 2011

A meeting of the New Jersey Board of Chiropractic Examiners was held February 24, 2011 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 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 Michael B. Krouse, D.C., President of the Board, at 9:45 A.M. .

ATTENDANCE

PRESENT: Drs.'Calio (arrived at 10:20), Krouse, O'Connor, Senatore, Spadafino, Stabile and Winters

EXCUSED: Dr. Allen, Mr. Traier and Recording Secretary - Sonya Liverpool

ALSO PRESENT: DAG John Hugelmeyer, Executive Director Jonathan Eisenmenger

DAG John Hugelmeyer administered the oath of office to Dr. James Winters.

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF DECEMBER 16, 2010

A motion was made by Dr. O'Connor, which was seconded by Dr. Krouse, to approve the public session minutes of the December 16, 2010 meeting as amended. A vote was taken and the motion passed with all members present voting in favor.

II. EXECUTIVE DIRECTOR'S REPORT

A. WELCOME ABOARD!

Executive Director Jonathan Eisenmenger would like to introduce and welcome our new Board members: David A. Allen, D.C. & James L. Winters, D.C.

B. PROPOSED REGULATIONS

Deputy Director Larry DeMarzo and Regulatory Analyst Burt Liebman appeared to discuss a change in proposed regulation N.J.A.C. 13:44E1A.5(b) and (c). The Division of Consumer Affairs discussed the regulatory process, and the difficulty the Board faces in enforcing the portion of the statute that deals with continuing education in the absence of adopted regulations. Mr. Liebman expressed the opinion that the statute was not self-executing with regard to continuing education and recommended that the Board modify the proposed regulations to state that chiropractors would first have to complete continuing education requirements after regulations were adopted prior to the renewal in

August 2013. As a fairness provision, licensees would also be permitted to apply continuing education credits completed from January 18, 2010 through August 31, 2013 towards the renewal in August 2013. Specifically, the new language would read:

(b) Except as provided in (c) below, a licensee applying for biennial license renewal shall have completed, during the preceding biennial period, 30 continuing education credits in order to qualify for the renewal of his or her license. A minimum of two credits shall consist of study of state laws and regulations governing chiropractic professional ethics or record keeping and documentation as it pertains to the practice of chiropractic in this state, and a minimum of two credits shall consist of nutrition education.

(c) A licensee who has completed continuing education credits in courses meeting the requirements set forth in this section between January 18, 2010 and August 31, 2013, shall be permitted to apply such credits to qualify for renewal of his or her license for the biennial period commencing on September 1, 2013.

On a motion by Dr. O'Connor, seconded by Dr. Stabile the Board voted to accept the recommended change to N.J.A.C. 13:44E-1A.5(b) and (c). A vote was taken and the motion passed with all member present voting in favor.

The Deputy Director introduced a new regulatory analyst, Elizabeth Greenblatt, who has been assigned to the Board.

*** Dr. Calio arrived at 10:20 A.M.**

C. Quarterly Report on Legislation

The Board reviewed a report of legislative action in the 4th quarter of 2010, as prepared by the Division of Consumer Affairs.

This was received as informational.

III. REPORT FROM THE C.E. COMMITTEE

The Board reviewed a report from the continuing education committee meeting on February 17, 2011.

A motion was made by Dr. Spadafino, which was seconded by Dr. Senatore, to ratify the recommendations of the committee, to approve 140 courses, and deny 3 courses. The approved courses will be posted on the Board's website. A vote was taken and the motion passed with all members present voting in favor.

IV. THE COUNCIL ON CHIROPRACTIC EDUCATION

The Board reviewed a report from the CCE meeting held January 14-16, 2011.

This was received as informational.

V. FEDERATION OF CHIROPRACTIC LICENSING BOARDS

A. DELEGATE & ALTERNATE DELEGATE TO BE APPOINTED

Delegate - Lawrence O'Connor, D.C.

Alternate - Albert Stabile, D.C.

B. AGENDA OF FCLB/NBCE CONFERENCE 2011

The Board received the agenda as informational.

Dr. O'Connor requested that the Board consider granting continuing education credit for attendance at the conference, as well as serving as Part IV test examiners.

Dr. O'Connor and Dr. Stabile were then recused from discussing the matter because of their roles as delegates to the FCLB.

The Board President requested that additional information be obtained concerning the conference, and referred the matter to the CE committee for review.

VI. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS

A. DELEGATE & ALTERNATE DELEGATE TO BE APPOINTED

Delegate - Albert Stabile, D.C.

Alternate - Lawrence O'Connor, D.C.

B. 2011 PART IV EXAM ADMINISTRATION

This was accepted as informational.

C. 2011 NBCE ETHICS & BOUNDARIES EXAMINATION

This was accepted as informational.

D. PART IV PRACTICAL EXAMINATION COMMITTEE

This was accepted as informational.

VII. APPLICATIONS FOR LICENSURE

A. DIANA VAVIKOVA D.C. (INITIAL)

Undergraduate education is from the Soviet Union. The Board lacks a certification from the NJ Department of Education.

A motion was made by Dr. Stabile, which was seconded by Dr. Winters, that if an acceptable educational certification is received, the Board will grant her a license. A vote was taken and the motion passed with all members present voting in favor.

B. GREGORY J. BELL, D.C. (INITIAL)

Dr. Bell is licensed in Australia. Pursuant to statute, the Board cannot grant license to Dr. Bell, because his education was not completed at an accredited institution that was approved by the Board.

C. JEANETTE HONIG, D.C. (ENDORSEMENT)

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

D. MARTIN D. LUPOWITZ, D.C. (ENDORSEMENT)

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

VIII. OPEN DISCIPLINARY MATTERS

A. JEFFREY M. DAVIS, D.C. (Dr. O'Connor was recused)

The Board reviewed an Interim Consent Order filed by the Board, dated January 31, 2011.

B. SHEILA L. BURKE, D.C.

The Board reviewed an Interim Consent Order filed by the Board, dated January 31, 2011.

C. **ROBERT A. VALINOTI, D.C.**

The Board reviewed an Amended Final Decision & Order after UPL Hearing filed by the Board on June 2, 2010 and an Appellate Division Decision.

IX. **INQUIRES**

A. **ROY STEINFELD, D.C.**

This inquiry related to whether chiropractors are permitted to use oxygen concentrators under the new scope of practice.

A motion was made by Dr. O'Connor, which was seconded Dr. Stabile, the use of oxygen concentrators... is not within the meaning of the expanded scope of practice of chiropractic as contemplated by the legislature. A vote was taken and the motion passed with all members present voting in favor.

B. **MICHAEL ANZALONE, D.C.**

This inquiry related to whether a chiropractor may hire a nurse to draw blood to send for testing.

A motion was made by Dr. O'Connor, which was seconded by Dr. Senatore, to send a letter stating 'Unless Dr. Anzalone works with a MD, the nurse may not be permitted to draw blood'. A vote was taken and the motion passed with all members present voting in favor.

C. **ANA OSTOJIC C/O MEDICAL DEVICE COMPANY REPRESENTATIVE**

This inquiry related to whether a chiropractor may prescribe a TENS unit over the phone.

A motion was made by Dr. Calio, which was seconded by Dr. Senatore, to send a letter stating that Board regulations require a physical examination of the patient, which would not be able to be completed during a phone call. The chiropractor would also need to comply with all of the other provisions of the regulations regarding TENS units. A vote was taken and the motion passed with all members present voting in favor.

X. **MISCELLANEOUS**

A. **(NJ.COM ARTICLE)**

MAGAZINE FOR NJ LAW ENFORCEMENT CONTAINS ADS FOR ANABOLIC STEROID PROVIDERS

This was accepted as informational.

**MATTERS TABLED FROM THE JANUARY 27, 2011 MEETING
THAT WAS CANCELLED DUE TO INCLEMENT WEATHER**

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF DECEMBER 16, 2010

This matter was approved as part of the agenda for the February 24, 2011 meeting.

II. EXECUTIVE DIRECTOR'S REPORT

A. PROPOSED REGULATIONS

Deputy Director Larry DeMarzo and Regulatory Analysts Burt Liebman and Deborah Shane-Held will appear to discuss a change in proposed regulation NJAC 13:44E1A.5(b)

This matter was reviewed as part of the agenda for the February 24, 2011 meeting.

III. REPORT FROM THE C.E. COMMITTEE

The Board reviewed a report from the continuing education committee meeting on January 20, 2011. The Board ratified the recommendations of the committee, to approve 740 courses, and deny 5 courses. The approved courses will be posted on the Board's website.

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, to approve the recommendations of the committee. A vote was taken and the motion passed with all members present voting in favor.

Dr. Krouse appointed Dr. Winters to serve on the CE committee.

IV. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS

A. PART IV EXAM SCHEDULE

This was received as informational.

B. 2011 NBCE ETHICS & BOUNDARIES EXAMINATION

This was received as informational.

V. APPLICATIONS FOR LICENSURE

A. DYLAN J. DeLORENZO, D.C. (INITIAL)

A motion was made by Dr. O'Connor, which was seconded by Dr. Senatore, to

approve Dr. DeLorenzo's application for licensure. A vote was taken and the motion passed with all members present voting in favor.

B. MANSOO JO, D.C. (INITIAL)

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

C. NANCY GAHLES , D.C. (REINSTATEMENT)

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, to approve Dr. Gahles' application for licensure pending the successful completion of the JP Exam. A vote was taken and the motion passed with all members present voting in favor.

VI. OPEN DISCIPLINARY MATTERS

A. WILLIAM MARA, D.C.

The Board reviewed a Final Order filed by the Board, dated December 29, 2010.

B. WAYNE T. CREYAUFMILLER, D.C.

The Board reviewed a Final Order of Discipline filed by the Board, dated December 29, 2010.

C. MICHAEL J. HOROWITZ, D.C.

The Board reviewed a Provisional Order of Discipline filed by the Board, dated December 29, 2010.

D. MATTHEW KREIGER, D.C.

The Board reviewed a Consent Order filed by the Board, dated January 12, 2011.

E. PHILIP B. CRANE, D.C.

The Board reviewed a Consent Order of Discipline filed by the Board, dated December 16, 2010.

VII. INQUIRES

A. PERRY METZGER, D.C.

Dr. Metzger inquired about whether VNG testing is included in the list of tests chiropractors are permitted to perform.

VNG testing is not listed in the Board's regulations at this time. The Board has previously stated that VNG testing is not outside the scope of practice, if a practitioner is trained in this technique.

A motion was made by Dr. Senatore, and seconded by Dr. O'Connor, the Board referred this matter to the rules and regulations committee to collect information about VNG testing, to review and make recommendations about whether to propose to add it to the regulations. Additionally, the executive director will send Dr. Metzger an acknowledgment letter, and inform him that the matter has been referred to a committee for review. A vote was taken and the motion passed with all members present voting in favor.

VIII. MISCELLANEOUS

A. JASON EBELSHEISER, D.C.

This was received as informational.

ADJOURNMENT

A MOTION WAS MADE BY DR. STABILE, WHICH WAS SECONDED BY DR. CALIO, TO GO INTO EXECUTIVE SESSION AT 11:50 A.M., TO CONSIDER ONE PIC SUMMARY, TWO OPEN COMPLAINTS, SIX REFERRALS FROM OTHER STATE AGENCIES, ONE CONSUMER COMPLAINT AND ONE MISCELLANEOUS MATTER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Jonathan Eisenmenger
Executive Director

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