

**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, APRIL 23, 2009**

A meeting of the New Jersey Board of Chiropractic Examiners was held April 23, 2009 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 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 9:30 AM.

ATTENDANCE

PRESENT: Drs. Stabile Jr., O'Connor, Krouse, Kostinas, Spadafino, Calio, (Dr. Senatore arrived at 9:55 a.m.), (Dr. Rada arrived at 9:50 a.m.)and (Mr. Traier-arrived at 10:00 am)

EXCUSED: Dr. Murphy (Reached by phone at 11:15 to participate in the election of officers)

ALSO PRESENT: DAG John Hugelmeyer, Executive Director Jonathan Eisenmenger & Recording Secretary Sonya Liverpool

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF MARCH 26, 2009

A MOTION WAS MADE BY DR. KOSTINAS, WHICH WAS SECONDED BY DR. SENATORE, TO APPROVE THE PUBLIC SESSION MINUTES OF THE MARCH 26, 2009 MEETING AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. EXECUTIVE DIRECTOR'S REPORT

A report on the number of applications received and licenses issued to date in January 2009:

Applications received - 22

Licenses issued - 18

Electro-Diagnostic Permit - 10

Chiro. Licenses - 8

III. NEW BUSINESS

A. ELECTIONS FOR BOARD OFFICERS

(Executive Director, Jonathan Eisenmenger led the elections)

Elections of Board officers were made for the 2009-2010 year. The nominations are as follows:

President - Albert Stabile, D.C. & Michael Krouse, D.C.

Vice President - James Kostinas, D.C.

Secretary - Mary-Ellen Rada, D.C.

Treasurer - Mr. John Traier

A MOTION WAS MADE BY DR. KOSTINAS, WHICH WAS SECONDED BY DR. KROUSE TO CLOSE NOMINATIONS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

The question was called & a vote was taken for Board President in which neither nominee received a majority of the votes.

A vote was taken and resulted in 5 votes for Dr. Stabile, 4 votes for Dr. Krouse and 1 abstention (Mr. Traier).

* Advice of counsel - Statute requires that there are a number of affirmative votes that equals a quorum. Until there are 6 affirmative votes, the Board cannot take action. Until someone obtains 6 votes, Dr. Stabile will remain as Board president.

A MOTION WAS MADE BY MR. TRAIER, WHICH WAS SECONDED BY DR. MURPHY(VIA PHONE), TO TABLE THE ENTIRE ELECTION UNTIL THE MAY BOARD MEETING. ALL CURRENT OFFICERS WILL REMAIN UNTIL THE ELECTION IS RESOLVED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH NINE MEMBERS VOTING IN FAVOR AND ONE OPPOSED (DR. RADA).

IV. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS

A. PRESIDENT'S LETTER - APRIL 2009

This matter was accepted as informational.

V. FEDERATION OF CHIROPRACTIC LICENSING BOARDS

A. SLATE OF NOMINEES & PROPOSED BYLAWS AMENDMENTS

This matter was accepted as informational.

VI. APPLICATIONS FOR LICENSURE

A. AVI WEINBERGER, D.C. (INITIAL)

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. CALIO, TO SCHEDULE DR. WEINBERGER FOR A FULL BOARD APPEARANCE REGARDING HIS CRIMINAL HISTORY. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. MARCO A. LOPEZ, D.C. (INITIAL)

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. SPADAFINO, TO APPROVE DR. LOPEZ'S APPLICATION FOR LICENSURE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. STEVE J. MEYEROWITZ, D.C. (ENDORSEMENT)

The Board noted that Dr. Meyerowitz has been an Administrator since 2003 but has not been in practice. The Board will ask the Rules and Regulations Committee to review the requirements for applications by endorsement, specifically proof of practice within a certain time period.

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. SPADAFINO, TO APPROVE DR. MEYEROWITZ'S APPLICATION FOR ENDORSEMENT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

D. SAMUEL EVENSTEIN, D.C. (REINSTATEMENT)

To table this matter until verification is received from Texas.

E. GERARD DEBERNADIS, D.C. (ELECTRO-DIAGNOSTIC)

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. SPADAFINO, TO HAVE DR. DEBERNADIS RESUBMIT HIS APPLICATION FOR LICENSURE TO ACCURATELY REFLECT THE HOURS OF STUDY ON THE TRANSCRIPT, CLARIFY THAT IT IS ONLY SURFACE EMG NOT 'NEEDLE EMG'. DR. DEBERNADIS IS APPROVED FOR LICENSURE, ONCE HIS APPLICATION IS RECEIVED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

F. PAUL J. BATTIPAGLIA, D.C. (ELECTRO-DIAGNOSTIC)

A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR. SENATORE, TO APPROVE DR. BATTIPAGLIA'S APPLICATION FOR LICENSURE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VII. OPEN DISCIPLINARY MATTERS

A. SCOTT WHITE, D.C.

The Board reviewed an assessment report filed by Professional Assistance Program of NJ dated March 31, 2009.

This matter was accepted as informational.

B. JOSEPH J. FRASCO, D.C.

The Board reviewed Dr. Frasco's inquiry for approval of documentation courses. The Board noted that this was a tele-conference course, the documentation and coding portions are acceptable.

This matter was accepted as informational.

C. SALVATORE LaRUSSO, D.C.

The Board reviewed Dr. LaRusso's inquiry for approval of ethics, documentation and coding courses.

A MOTION WAS MADE BY DR. SPADAFINO, WHICH WAS SECONDED BY DR. O'CONNOR, TO APPROVE DR. LaRUSSO'S COURSES FOR RECORD KEEPING AND CODING. ProBE/PRIME ARE REQUIRED AND THE ETHICS PORTION WILL NOT COUNT TOWARDS THAT REQUIREMENT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VIII. INQUIRIES

A. HARRY CHAMBARRY, D.C.

(Dr. Chambarry was present at this meeting)

Dr. Chambarry posed a question about the educational requirements for the Electro-Diagnostic permit, specifically involving the home-study portion of the curriculum.

This matter was accepted as informational.

B. FRANK DiLOLLO III, D.C.

Dr. DiLollo posed an inquiry about offering a "time of service fee discount."

A MOTION WAS MADE BY DR. SPADAFINO, WHICH WAS SECONDED BY DR. SENATORE, TO SEND DR. DiLOLLO A LETTER STATING THAT THE BOARD DOES NOT GIVE LEGAL ADVICE, HE SHOULD CONSULT AN ATTORNEY AND REFER HIM TO N.J.A.C. 13:44e-2.11(A)(6). A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. DAVID G. HARRIS, D.C.

The Board noted that Dr. Harris now has an M.D..

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. RADA, TO REQUEST INFORMATION REGARDING DR. HARRIS' 'M.D.', 'DIPLOMATE' QUALIFICATIONS AND ETC.. THE REQUESTED INFORMATION SHOULD INCLUDE (WHAT, WHERE, WHEN & HOW) DID DR. HARRIS OBTAIN HIS MEDICAL LICENSE AND THE RELATIONSHIP WITH THE LAWYER ALONG WITH HOW REFERRAL FEES WERE ESTABLISHED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

D. ANONYMOUS C/O MS. JASMINKA ELHELOU
I/M/O RONALD D'AMATO, D.C. & CHRISTA D'AMATO, D.C.

A MOTION WAS MADE BY DR. KOSTINAS, WHICH WAS SECONDED BY MR. TRAIER, TO SCHEDULE DRS.' RONALD & CHRISTA D'AMATO FOR A PIC APPEARANCE TO EXPLAIN THEIR QUALIFICATIONS AND THE ADVERTISEMENT OF FREE SERVICES. A VOTE WAS MADE AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

E. STUART PODOB, D.C.

The Board reviewed Dr. Podob's inquiry about nasal specific diagnosis and chiropractic adjustment. The Board referred back to the October 20, 2005 minutes regarding a similar matter. The minutes state that the procedure must be performed with full, informed consent, and the doctor must have a post-graduate training in the procedure.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. KOSTINAS, TO APPROVE THE TREATMENT GIVEN THE QUALIFICATIONS FROM THE MINUTES OF THE OCTOBER 2005 MEETING NOTED ABOVE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

HANDOUTS

A. GLENN GREICO, D.C.

A MOTION WAS MADE BY DR. SPADAFINO, WHICH WAS SECONDED BY DR. SENATORE, TO APPROVE THE 12 HOUR COURSE IN RECORD KEEPING / MANAGEMENT ADMINISTERED BY DR. FRIEDMAN. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

IX. APPEARANCES

A. ELIAS G. ARNITSIS, D.C. (10:00 AM)

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KROUSE, TO GO INTO EXECUTIVE SESSION TO DELIBERATE ON THIS MATTER. A VOTE WAS TAKEN AND

THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY DR. KOSTINAS, WHICH WAS SECONDED BY DR. RADA, TO GO BACK INTO PUBLIC SESSION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR. O'CONNOR, TO APPROVE DR. ARNITSIS' APPLICATION FOR LICENSURE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ADJOURNMENT A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. RADA, TO GO INTO EXECUTIVE SESSION (12:15 P.M.) TO CONSIDER FOUR PIC SUMMARIES, EIGHT CONSUMER COMPLAINTS, TWO REFERRALS FROM OTHER AGENCIES AND THREE MISCELLANEOUS MATTERS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR. Respectfully Submitted, Jonathan Eisenmenger Executive Director