

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET
NEWARK, NEW JERSEY
PUBLIC SESSION MINUTES
THURSDAY, SEPTEMBER 26, 2013**

A meeting of the New Jersey Board of Chiropractic Examiners was held on September 26, 2013 at the State Office Building, 124 Halsey Street, 7th floor, Newark, New Jersey in the Somerset 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 David Allen, D.C., President of the Board, at 10:00 A.M. A roll call was taken and the following attendance was recorded and a quorum was not present, therefore, a committee of the Board met and will make recommendations for the Board to consider at a future meeting:

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

Also present were: **Virginia Class Matthews, Deputy Attorney General; Lisa Tadeo, Executive Director; and Tracy Steel, Board Staff.**

PUBLIC COMMENT

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF JULY 25, 2013

The committee will recommend to the Board that the public session minutes of the July 25, 2013 meeting be approved as presented.

II. CONTINUING EDUCATION COMMITTEE

The continuing education courses were tabled until the October 24, 2013 meeting.

III. NEW BUSINESS

The committee went into Executive Session to review and discuss applications for licensure and reinstatement.

A. Application for Chiropractic Licensure

1. Michael Sutter

The committee will recommend to the Board that Dr. Sutters be advised that the Board will consider his application for licensure once he has his Colorado chiropractic license reinstated..

2. Michael Rullo

The committee will recommend to the Board that Dr. Rullo appear before a committee of the Board to discuss his application for licensure. Dr Calio opposed the recommendation.

3. Thomas Cranmer

The committee will recommend to the Board that Dr. Cranmer's application for licensure be approved.

4. Apolinar Miranda

The committee will recommend to the Board that Dr. Miranda's application for licensure be approved.

5. Nachmy Bronstein (endorsement)

The committee will recommend to the Board that Dr. Bronstein's application for licensure be approved.

6. Andrew Garcia (endorsement)

The committee will recommend to the Board that Dr. Garcia's application for licensure be approved.

B. Application for Reinstatement

1. Laura Scheiner, D.C.

The committee will recommend to the Board that Dr. Scheiner's application for reinstatement be approved provided she passes the jurisprudence examination.

- C. Board Discussion
RE: Term "Endoscopic"

The committee discussed the information that Dr. Calio presented regarding Endoscopic. The committee will recommend to the Board that this be considered informational.

- D. Inquiry from William Gessler, D.C.
RE: Continuing Education

Dr. Gessler inquired whether he may receive an waiver or extension of his continuing education credits as he has been the primary care giver for a family member. Dr. Gessler also submitted a doctor's note concerning his family member's medical condition.

The committee will recommend to the Board that Dr. Gessler show proof of how many credits he has completed between January 18, 2010 and August 31, 2013.

- E. Board Discussion
RE: Continuing Education

A newly licensed chiropractor who completed an accredited graduate chiropractic education program within 12 months of commencement of the biennial registration period is not required to complete the continuing education requirements for the biennial period. The Board discussed if a newly licensed chiropractor could carry over continuing education credits if they completed credits even though they were not required to. The committee agreed that a newly licensed chiropractor could carry over a maximum of 7 continuing education credits pursuant to N.J.A.C. 13:44E-1A.5(o).

- F. Marie Gosney
RE: Medical Malpractice Coverage

Marie Gosney inquired whether New Jersey requires chiropractors to have malpractice coverage in order to be in compliance with licensure.

The committee will recommend to the Board that Ms. Gosney be advised that all active licensees must have Medical Malpractice Insurance.

- G. Inquiry from James Matthews, D.C.
RE: Scope of Practice

Dr. Matthews made an inquiry regarding obesity being classified as a disease, if it is in the scope of practice for chiropractors to treat and bill for this, and are there any limitations on advertising for treatment of obesity.

The committee will recommend to the board that Dr. Matthews be advised that it can be treated as long as it relates to the practice of chiropractic.

- H. Inquiry from Christine Rivera (Applicant)
RE: Mobile Business

Ms. Rivera submitted an inquiry asking if licensed Chiropractors are allowed to conduct mobile businesses.

The committee will recommend to the Board that Ms. Rivera be notified that she should submit more information pertaining to her question.

- I. Inquiry from Jane Gurrien
RE: Molecular DNA Testing and Personalized Medicine

Jane Gurrien submitted an inquiry whether Chiropractors can provide DNA Personalized Testing for their patients.

The committee will recommend to the Board that Ms. Gurrien be advised that the Board cannot answer her questions with the information she provided and will ask Ms. Gurrien to send more information on how it would be used in the practice.

- J. Inquiry from U.S. Department of Transportation
RE: Scope of Practice

An inquiry was made from Elaine M. Papp on behalf of the U.S. Department of Transportation, whether its in the scope of practice for a chiropractor to conduct the testing and physical examination of body systems required on a Medical Examination Report to determine whether a driver is physically qualified to drive a CMV in interstate commerce, and complete the Medical Examiner's Certificate.

The committee will recommend to the Board that Ms. Papp be notified that it is within the scope of practice of chiropractors to perform these examinations.

- K. Inquiry from Cynthia J. Borrelli on behalf of American Specialty Health
RE: N.J.S.A 45:9-14.5

This matter was moved to Executive Session.

- L. Federation of Chiropractic Licensing Boards (FCLB)

Dr. O'Connor gave an update on FCLB's activities such as Pace, Model Practice Act, credentialing of chiropractic clinical assistants and procedure book for board members.

IV. OLD BUSINESS

- A. Board Discussion with Elizabeth Greenblatt, Regulatory Analyst
RE: Sunset of Regulations

Under Public Law 2011 Chapter 45 the five year sunset period for regulations has now been extended to seven years. Regulations expire every seven years instead of every five years. The New Jersey State Board of Chiropractic Examiners regulations were to expire on December 22, 2011 and will now expire on December 22, 2013.

Dr. Krouse, Dr. Spadafino, Dr. Stabile and Dr. Winters were contacted by telephone as to their availability for a teleconference concerning this matter.

A motion was made by Dr. O'Connor, which was seconded by Dr. Calio to approve the regulations as amended. A vote was taken, Dr. Stabile and Dr. Winters were available via teleconference and they both voted in favor, the motion passed by a majority vote.

V. BOARD ELECTIONS

- A. Vice President

This matter will be tabled until the October 24, 2013 meeting.

VI. OPEN DISCIPLINARY MATTERS

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

The committee reviewed a report from Louis E. Baxter, M.D. dated July 26, 2013 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.

The committee will recommend to the Board to consider this to be informational.

- B. Professional Assistance Program Report
RE: Sheila Burke, D.C.
Interim Consent Order filed January 31, 2011

The committee reviewed a report from Louis E. Baxter, M.D. dated August 6, 2013 concerning Dr. Burke's continued compliance with the Interim Consent Order filed January 31, 2011 and her monitoring plan with the Professional Assistance Program of New Jersey.

The committee will recommend to the Board to consider this informational.

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

The committee reviewed a report from Louis E. Baxter, M.D. dated August 30, 2013 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.

The committee will recommend to the Board to consider this informational.

- D. Bradford Butler, D.C.
RE: Uniform Penalty Letter Filed July 16, 2013

The committee reviewed the Uniform Penalty Letter Filed July 16, 2013 in the matter of Dr. Butler and will recommend to the Board to consider this informational.

- E. Marc T. Chianese, D.C.
RE: Consent Order Filed August 27, 2013

The committee reviewed the Consent Order Filed August 27, 2013 in the matter of Dr. Chianese and will recommend to the Board to consider this informational.

VII. INFORMATIONAL

- A. Allstate New Jersey Files \$2.2 Million Insurance Fraud Lawsuit Against Pharmacy and Several South Jersey Doctors

The committee reviewed Allstate New Jersey Files \$2.2 Million Insurance Fraud Lawsuit Against Pharmacy and Several South Jersey Doctors and will recommend to the Board that this be considered informational.

Upon motion made by Dr. O'Connor, which was seconded by Dr. Calio, 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. Twenty-two matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Six matters where additional information has been submitted to the Board concerning pending investigations.

ADJOURNMENT

The committee meeting adjourned at 1:00 P.M.

Respectfully submitted,

Lisa Tadeo
Executive Director