

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET, 6TH FLOOR
SOMERSET ROOM
NEWARK, NEW JERSEY**

PUBLIC SESSION MINUTES

THURSDAY, NOVEMBER 19, 2009

A meeting of the New Jersey Board of Chiropractic Examiners was held November 19, 2009 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 Albert Stabile Jr., D.C., President of the Board, at 9:40 AM.

ATTENDANCE

PRESENT: Drs. Stabile, O'Connor, Krouse, Kostinas, Spadafino, Calio, Rada, Senatore and Mr. Traier

EXCUSED: Dr. Murphy

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

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF OCTOBER 22, 2009

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KROUSE, TO APPROVE THE PUBLIC SESSION MINUTES OF THE OCTOBER 22, 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 for November 2009:

The Board issued 7 licenses and have 4 applications pending

The executive director advised the Board that a committee met this week and has drafted a letter to include in application packets.

III. FCLB DISTRICT DIRECTOR'S REPORT

Dr. O'Connor reported on a recent meeting he attended in Buffalo.

IV. ASBURY PARK PRESS

The Board reviewed an article published in the Asbury Park Press on October 12, 2009 concerning an indictment in Ocean County for theft by deception, health care claims fraud, insurance fraud, practicing medicine without a license, and forgery. This article was accepted as informational.

V. APPLICATIONS FOR LICENSURE

A. RONALD PARENTE, D.C. (ELECTRO-DIAGNOSTIC)

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

B. VINCENT M. TAFFURI JR., D.C. (ENDORSEMENT)

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

C. FREDERICK PADAVANO, D.C. (REINSTATEMENT)

(THIS ITEM HAS BEEN REMOVED - no application was ready to be considered)

D. ROBERT BELLO, D.C. (INITIAL)

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. SENATORE, TO SCHEDULE DR. BELLO FOR A FULL BOARD APPEARANCE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

E. LOUIS D'AGOSTINO, D.C. (INITIAL)

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. CALIO, TO APPROVE DR. D'AGOSTINO'S APPLICATION FOR LICENSURE BASED ON HIS PASSING OF THE SPEC EXAM. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

F. ROBERT DANKO JR., D.C. (RE-ACTIVATION)

A MOTION WAS MADE BY DR. KOSTINAS, WHICH WAS SECONDED BY DR. KROUSE, TO APPROVE DR. DANKO'S APPLICATION FOR LICENSURE BASED ON THE CERTIFICATION OF PRACTICE IN CHINA. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VI. OPEN DISCIPLINARY MATTERS

A. SCOTT WHITE, D.C.

The Board reviewed a report from the Professional Assistance Program filed on October 27, 2009.

This was received as informational.

B. PETER STEINMETZ, D.C.

The Board reviewed a report from the Professional Assistance Program filed on October 27, 2009.

This was received as informational.

C. ROBERT SENTE, D.C.

DAG Bindi Merchant advised the Board, that she is attempting to contact Dr. Sente with a drafted Consent Order. She advised the Board that if there is no contact with him prior to the next meeting, she may file a Motion for Default.

VII. APPEARANCES

A. CHARLES FERRANTE, D.C. (10:00 AM)
(Dr. Stabile recused)

Dr. Ferrante appeared before the Board with counsel, Kimberly Kluchnick, Esq., to present mitigation in response to a Provisional Order of Discipline, filed following a Consent Order he signed with the OIFP.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. SPADAFINO, TO MOVE THIS MATTER TO EXECUTIVE SESSION FOR DELIBERATION. 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. KROUSE, 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 MR. TRAIER, WHICH WAS SECONDED BY DR. O'CONNOR, TO PREPARE A FINAL ORDER OF DISCIPLINE WITH A 4 ½ YEAR SUSPENSION, 18 MONTHS ACTIVE AND 3 YEARS STAYED SUSPENSION SERVED AS PROBATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. ANTHONY MARSH, D.C.
ROBERT VALINOTI, D.C. (10:30 AM)

Dr. Valinoti appeared before the Board with counsel, Jeffrey Randolph, Esq., for a public hearing in the matter of a Uniform Penalty Letter issued to him concerning the billing for a service that is outside the scope of practice.

The State is requesting reimbursement of the costs of investigation and the hearing.

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. RADA, TO IMPOSE THE ORIGINAL PENALTY OF \$1,000 WITH A PUBLIC REPRIMAND PLUS COSTS OF THE INVESTIGATION AND HEARING. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. JAY LISS, D.C. (11:00 AM - REINSTATEMENT)

Dr. Liss appeared with counsel, to answer questions related to the criminal history background check that revealed an arrest that was not disclosed on his application.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. KOSTINAS, TO MOVE THIS MATTER TO EXECUTIVE SESSION FOR DELIBERATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KROUSE, 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. O'CONNOR, WHICH WAS SECONDED BY DR. KROUSE, TO APPROVE DR. LISS' APPLICATION FOR LICENSURE WITH A LETTER OF CAUTION FOR FAILING TO DISCLOSE AN ARREST ON HIS APPLICATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH EIGHT MEMBERS VOTING IN FAVOR AND ONE OPPOSED (DR. RADA).

D. KATHERINE HOLSTEIN, D.C. (12:00 PM - INITIAL)
(Dr. Rada recused)

Dr. Holstein appeared without counsel to answer questions related to the criminal history that revealed an arrest that was not disclosed on her application.

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KOSTINAS, TO MOVE THIS MATTER TO EXECUTIVE SESSION FOR DELIBERATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KROUSE, 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. O'CONNOR, WHICH WAS SECONDED BY DR. KROUSE, TO APPROVE DR. HOLSTEIN'S APPLICATION FOR LICENSURE WITH A LETTER OF CAUTION FOR FAILING TO DISCLOSE AN ARREST ON HER APPLICATION. A VOTE WAS TAKEN AND THE MOTION PASSED ALL MEMBERS PRESENT VOTING IN FAVOR.

E. SARAH E. LITTLE, D.C. (1:00 PM - INITIAL)

Dr. Little appeared without counsel to answer questions related to the criminal history that revealed an arrest that was not disclosed on her application.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. KOSTINAS, TO MOVE THIS MATTER TO EXECUTIVE SESSION FOR DELIBERATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KROUSE, 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. O'CONNOR, WHICH WAS SECONDED BY DR. CALIO, TO APPROVE DR. LITTLE'S APPLICATION FOR LICENSURE WITH A LETTER OF CAUTION FOR FAILING TO DISCLOSE AN ARREST ON HER APPLICATION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH EIGHT MEMBERS VOTING IN FAVOR AND ONE OPPOSED (DR. RADA).

NEW BUSINESS

Dr. Spadafino advised the Board that he has heard that chiropractors have received EOBs from Blue Cross Blue Shield that state that they may not provide electro-diagnostic services.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. O'CONNOR, TO SEND A LETTER TO DOBI THAT REFERENCES THE ERRONEOUS INFORMATION AND REQUESTING THEIR ASSISTANCE IN RECTIFYING THE LANGUAGE ON THE EOBs. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

HANDOUT

Advertisement from Panther Medical - An advertisement that appears to offer a fee to chiropractors for utilizing their service.

The Board asked Dr. Calio to help draft a statement to publish on the Board's website that reminds licensees about the regulations governing receiving referral fees.

ADJOURNMENT

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. SENATORE, TO GO INTO EXECUTIVE SESSION TO CONSIDER TWO CONSUMER COMPLAINTS, SEVEN REFERRALS FROM OTHER AGENCIES 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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