

New Jersey Board
of Chiropractic
Examiner-Filed, Date 7/30/91

Gay J. Charschan

RECEIVED

JUL 03 1991

DIVISION OF LAW

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ATTORNEY GENERAL OF NEW JERSEY

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF AN INQUIRY INTO :
THE PRACTICE OF :
:
WILLIAM CHARSCAN, D.C., :
Lic # 2933 :
A LICENSED CHIROPRACTOR OF THE :
STATE OF NEW JERSEY :
_____ :

Administrative Action
CONSENT ORDER

This matter was opened to the State Board of Chiropractic Examiners upon its review of an advertisement published on behalf of Dr. Charschan. He appeared before a committee of the Board and testified in response to the Committee's questions. Respondent practices chiropractic at 683 Georges Rd., North Brunswick, New Jersey.

The ad in question was purchased by respondent through a marketing agency. It was one which was written as a standard text to be used by all purchasers with personalizing modifications. Respondent made certain additions and deletions to the ad. In the Board's view, there are a number of false or misleading statements in the ad.

The ad concerns a one-day only special wherein the complete chiropractic initial examination (consultation, history, examination, X-rays and report of findings) is only \$25. The usual cost is \$150 and is disclosed in the ad. However, the ad states: "(NOTE: Nobody gives these kinds of X-rays for free. They would usually cost you at least \$100) ... " The statement that "nobody gives these kinds of X-rays for free" is obviously false since (a) there are chiropractors who purchase this stock ad, and (b) chiropractors elsewhere in this State have advertised that they take free X-rays.

Also, respondent lists his credentials in a way that is overstated and misleading. The "courses" and "extensive post graduate training" were just several weekend seminars. The articles he has authored "which have appeared in the Chiropractic Journals" are made to sound like they appeared in peer-reviewed journals whereas they were printed in trade magazines that include a newspaper which is mailed bi-weekly free of charge to chiropractors, students and suppliers.

The "studies" described in the ad were not cited to any source, and either could not be verified by respondent or were written by him based on memory alone and not by reference to actual documents. The accuracy of the "studies" portion of the ad is suspect, in the Board's opinion.

Finally, the ad fails to set forth an office address where services are to be rendered.

The Board has also learned from respondent that he treats certain conditions by means of physical therapy, using a technique he called "friction massage." These conditions include tendonitis of the elbow and prepatellar inflammation of the knee. Respondent performs the physical therapy without any chiropractic adjustment. By so doing, in the Board's view, he has exceeded the scope of chiropractic.

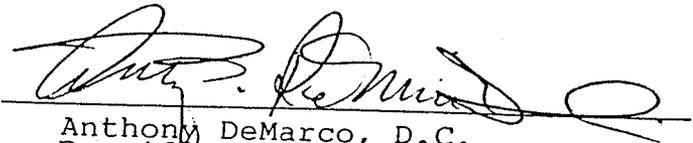
It appearing that the parties wish to resolve this matter without the necessity for formal proceedings, and it appearing that the Board is satisfied that the terms of this Order adequately protect the public health, safety and welfare, and for good cause shown,

IT IS THEREFORE on this 17th day of July, 1991,
ORDERED:

1. Respondent is hereby reprimanded for the conduct outlined above.
2. Respondent shall correct all current advertising and brochures so as to accurately describe his credentials and correct the misleading impression created by the "\$25 special" ad. Similarly, he shall verify the accuracy of descriptions of studies before he places such descriptions in his ads, and shall keep the documentation of said verification in his files for 5 years following placement of any ad.
3. Respondent shall cease and desist from performing physical therapy including friction massage for conditions not amenable to chiropractic treatment, unless said physical therapy

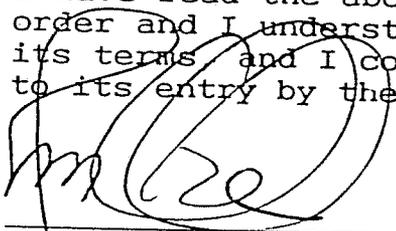
modalities are utilized merely in preparation to a chiropractic adjustment.

4. Respondent is hereby assessed a civil penalty of \$2,000 for misleading advertising and for exceeding the scope of chiropractic. He shall pay that amount by certified check or money order contemporaneously with his tendering of his signed copy of this Order.



Anthony DeMarco, D.C.
President
Board of Chiropractic Examiners

I have read the above order and I understand its terms and I consent to its entry by the Board.



William Charschan, D.C.