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New Jersey Board
of Chiropractic
Examiners Filed Date 10/25/91

*Janet L. ...
Executive Director*

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC
EXAMINERS
DOCKET NO.

In the Matter of)

ROBERT FARETTO, D.C.)

Licensed to Practice)
Chiropractic in the State)
of New Jersey)

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Chiropractic Examiners upon receipt of information that Robert Faretto, D.C., has been suffering from substance abuse and dependence for which he is currently under treatment.

In order to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS ON THIS 23rd DAY OF OCTOBER, 1991,

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall continue in treatment with Louis A. Tartaglia, M.D., located at 36 Newark Avenue, Suite 212, Belleville, New Jersey, and shall comply with a monitoring program and treatment plan supervised by Dr. Tartaglia which shall include, at a minimum, the following conditions:

(a) Respondent shall have his urine monitored under the supervision of Dr. Tartaglia on a random, unannounced basis, once weekly. The urine monitoring shall be conducted with direct witnessing of the taking of the samples as arranged and designated by Dr. Tartaglia. The initial drug screen shall utilize the EMIT technique and all confirming tests and/or secondary tests will be performed by gas chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge. The respondent shall be responsible to assure that all urine samples are handled by a laboratory competent to provide these services.

All test results shall be provided in the first instance directly to Dr. Tartaglia, and any positive result shall be reported immediately by Dr. Tartaglia to Jay Church, Executive Director of the Board, or his designee in the event he is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing. The Board also will retain the discretion to request on its own initiative a urine screening on a random, unannounced basis from the respondent at any time during the course of the within program.

Any failure by the respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed

to be equivalent to a confirmed positive urine test. In the event the respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Dr. Tartaglia. In addition, respondent must provide Dr. Tartaglia and the Board with written substantiation of his inability to appear for a scheduled urine test within two (2) days, e.g., a physician's report attesting that the respondent was so ill that he was unable to provide the urine sample or appear for the test. Dr. Tartaglia shall promptly advise the Board of every instance where a request has been made to waive a urine test together with his determination in each such case.

The Board may in its sole discretion and without notice to respondent modify the frequency of testing or method of reporting during the monitoring period.

(b) Respondent shall attend support groups including the SLAA and AA/NA at a frequency of no less than three (3) times per week. Respondent shall provide evidence of attendance at such groups directly to Dr. Tartaglia on a form or in a manner as required by him. Dr. Tartaglia shall advise the Board immediately in the event he receives information that respondent has discontinued attendance at any of the support groups.

(c) Respondent shall engage in weekly individual therapy with Dr. Tartaglia. Respondent shall cause Dr. Tartaglia to provide quarterly reports directly to the Board with respect to his attendance and progress in therapy.

(d) Respondent shall engage in group therapy as arranged by Dr. Tartaglia.

2. Respondent shall provide appropriate releases to any and all parties who are participating in the monitoring program as outlined herein as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner.

3. All costs associated with the monitoring program as outlined herein shall be paid directly by the respondent.

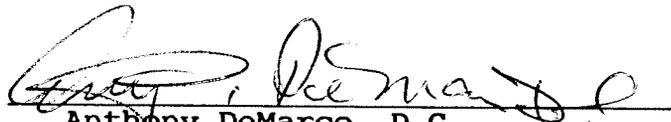
4. Respondent shall not possess controlled dangerous substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause. Respondent shall cause any physician or dentist who prescribes medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided to the Board no later than seven (7) days subsequent to the prescription in order to avoid any confusion which may be caused by a confirmed positive urine test as a result of such medication.

5. It is expressly understood and agreed that continued licensure with restrictions as ordered herein is contingent upon strict compliance with all of the aforementioned conditions. Upon the Board's receipt of any information indicating that any term of the within Order has been violated in any manner whatsoever, including, but not limited to, a verbal report of a confirmed positive urine or any other evidence that respondent

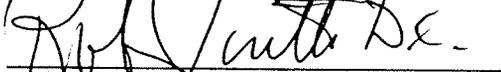
has used an addictive substance, a hearing shall be held on short notice before the Board or before its representative authorized to act on its behalf. The proofs at such a hearing shall be limited to evidence of the particular violation at issue. Any confirmed positive urine test shall be presumed valid, and respondent shall bear the burden of demonstrating its invalidity.

6. Respondent shall authorize Dr. Tartaglia to provide any and all relevant information and/or records which may be requested by the Board or its counsel in connection with the monitoring program as outlined herein. Further, respondent shall authorize Dr. Tartaglia to immediately report any failure of the respondent to comply with all of the terms and conditions of the within Consent Order.

7. Respondent may apply for modification of the terms and conditions of the within Order no sooner than ^{six (6) months} ~~one (1) year~~ from the entry date herein.


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

I have read and understand the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Robert Faretto, D.C.