File

3/29/94

FILED

APR 29 1994

NEW JERSEY BOARD OF CHIROPRACTIC EXAMINERS

ORIGINAL

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

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF STEVEN GARTENBERG, D.C. TO PRACTICE CHIROPRACTIC IN THE STATE OF NEW JERSEY AND MARK GARTENBERG, UNLICENSED	Administrative Action INTERIM CONSENT ORDER

This matter was opened before the New Jersey State Board of Chiropractic Examiners (hereinafter "the Board"), upon the Board's receipt of investigative materials and consumer complaints alleging that Steven Gartenberg, D.C. (hereinafter "Respondent") may have permitted conduct to occur in the chiropractic practice owned by him, known as the Associated Chiropractic Center, 1264 Route 9, Toms River, New Jersey, which conduct constituted the unlicensed practice of chiropractic. Respondent appeared with counsel, Robert W. Rhoades, Esq., before the Preliminary Investigation Committee of the Board (hereinafter "the Committee") on May 13, 1993. At that time, Respondent brought the records of certain patients before the Committee at the request of the Board. Respondent denied all allegations.

The Committee also received information alleging that Respondent suffered and permitted Mark Gartenberg to have direct

and substantial involvement in the direction and control of Steven Gartenberg's chiropractic practice, and that such direction and control resulted, among other things, in the sale and rendition of bills and insurance claims for TENS units substantially in excess of their usual and fair market value.

Respondent being desirous of taking an interim step prior to resolving this matter, and without the Board being precluded in any way from taking any further action it may deem necessary pursuant to its statutory authority to protect the public health, safety, and welfare, and without Respondent or Mark Gartenberg acknowledging any violation of law, and it further appearing that Respondents Steven Gartenberg and Mark Gartenberg have read the terms of this order, understand their meaning, and consent to be bound by same, and it further appearing that the Board finds that the within order, as an interim step, is adequately protective of the public health, safety and welfare, and it further appearing that good cause exists for the entry of the within order;

IT IS ON THIS 29th DAY OF April, 1994;

ORDERED:

1. Respondent Steven Gartenberg shall not permit Respondent Mark Gartenberg to be present and be involved in the direction and/or control of Steven Gartenberg's chiropractic practice on any premises over which Steven Gartenberg has possession and control and from which chiropractic services are rendered to the public. If at any time Mark Gartenberg is present

at Dr. Steven Gartenberg's office, he will notify the New Jersey State Board of Chiropractic Examiners within twenty-four hours as to his presence at the office and indicate to the Board why he was there.

2. Respondent Steven Gartenberg shall not permit Respondent Mark Gartenberg to participate by equity ownership or in any other manner directly or indirectly in the operation or administration of any chiropractic office in which Respondent Steven Gartenberg possesses ownership interest.

3. Respondent Mark Gartenberg shall immediately and permanently divest and disassociate himself from any and all ownership, management or operation of any chiropractic practice within the State of New Jersey, including but not limited to any practice in which Steven Gartenberg, Terri Gartenberg or Tammi Gartenberg have a beneficial interest.

4. Respondent Steven Gartenberg shall not dispense, seek or submit any insurance claim for any TENS unit or any other device or modality used for the purpose of treating or diagnosing any chiropractic condition at a price in excess of the usual and customary fair market value of said device or modality. Respondent Steven Gartenberg shall advise the Board, in writing, within ten days of the entry of this order as to the price which he intends to charge for the TENS units. Said notice shall indicate the specific model number for each unit to be sold.

5. Any failure to comply with the provisions of this

consent order may be grounds for the Attorney General to apply to the Superior Court pursuant to N.J.S.A. 45:1-23, for such relief as may be necessary or to commence a summary proceeding before the Board, on five days notice to Respondent or to his attorney. Upon proof of a material violation of this consent order, the Board members hearing the matter may summarily suspend or limit Respondent's license to practice chiropractic pending a review by the full Board.

6. Nothing in this consent order shall be interpreted to prevent the Board from taking any action it may have the authority to take pursuant to law, including, but not limited to, following normal procedures to take disciplinary action pursuant to N.J.S.A. 45:1-21 et seq.

NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

BY: Alfred Davis D.C.
Alfred Davis, D.C.
Board President

I have read the within Consent Order and agree to be bound by its terms. I consent to its entry by the State Board of Chiropractic Examiners.

Steven Gartenberg, D.C.

Mark Gartenberg