

FILED

NOV 17 1994

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

By: August T. Lembo
Deputy Attorney General
Division of Law
124 Halsey Street, 5th Floor
P.O.B. 45029
Newark, New Jersey 07101
Tel. No. (201) 648-3070

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	:	Administrative Action
	:	
BRUCE R. BRILLIANTINE, D.C.	:	CONSENT ORDER
	:	
TO PRACTICE CHIROPRACTIC	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the Board of Chiropractic Examiners upon receipt of information that Bruce R. Brilliantine (hereinafter "Respondent") had been engaged in conduct essentially constituting insurance fraud and other illegal activity and that State Grand Jury Indictments (No. SGJ319-92-6(1) and No. SGJ319-92-(2)) were returned against Respondent on October 29, 1992. Said indictments alleged that Respondent submitted for payment 27 false chiropractic treatment invoices to ten different insurance companies or funds. These were false in that visits were included which did not, in fact, occur. In addition, false entries were included in patient charts to indicate that these visits had

occurred. The total of such invoices amounted to approximately \$12,000. In addition, Respondent defrauded five insurance carriers of approximately \$67,000 by making duplicative claims concerning his own personal claims for disability or income interruption insurance or by making claims for medical or chiropractic examination or treatments which did not occur.

On March 26, 1993, Respondent, pursuant to a plea agreement, pleaded guilty to one count of falsifying records. Respondent was required to serve 60 days in Mercer County Jail, received probation for four (4) years, and was sentenced to pay \$78,968 in restitution and \$421,032 in total fines for a total of \$500,000. Respondent was also required to serve 200 hours of community service.

Respondent appeared with counsel, Joshua Markowitz, Esq., of the law firm of Markowitz and Zindler, before the Preliminary Investigation Committee of the Board on April 29, 1993 and September 9, 1993. In addition, on August 26, 1993 David Griffiths, D.C., a former associate of Respondent appeared before the Committee. In addition, Elizabeth Ortiz, an investigator with the Department of Insurance, Fraud Division, appeared before the Board on August 5, 1993 and provided information to the Board regarding various allegations and evidence with respect to the matter.

The Board has reviewed the entire record in this matter including information obtained through the investigation of the Enforcement Bureau and also the complaint of a patient ("M.R.G.")

of Respondent, together with the patient records and a letter from Respondent concerning the patient. This material also included the Order for Commitment entered by the Hon. Maria M. Sypek, J.S.C., together with the court's reasoning in imposing the sentence agreed upon through the plea agreement.

The parties being desirous of resolving this matter without the necessity of formal proceedings, and it appearing that Respondent, Bruce R. Brilliantine, D.C., acknowledges the findings of the Board previously set forth as constituting grounds for disciplinary action pursuant to N.J.S.A. 45:1-21(b), (c), (d), (e), (f) and (h), and it further appearing that Respondent has read the terms of this Order and understands their meaning, consents to be bound by same, and it further appearing that the Board finds that the within Order is adequately protective of the public interest, and it further appearing that good cause exists for entry of the within Order:

IT IS THEREFORE ON THIS 17th DAY OF November, 1994
ORDERED:

1. The Board accepts the voluntary surrender of respondent's license to practice chiropractic in the State of New Jersey. Respondent shall submit any and all wall certificates to the Board or its designee. Said voluntary surrender shall have the same force and effect as if his license had been suspended, and respondent shall immediately cease and desist any practice of chiropractic.

2. Respondent agrees that he will not apply for a reinstatement of the license and the Board will not consider an application for reinstatement for the ten year period following respondent's signing of this Order.

3. Following the said ten year period prior to application for reinstatement of his license, in the event Respondent wishes to petition the Board for reinstatement of his license to practice chiropractic, he shall be made to appear personally before the Board, and he shall have the burden to demonstrate to the satisfaction of the Board that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare, including, but not limited to successful completion of the Board's licensing examination or a substitute examination which the Board, in its sole discretion, may choose to administer. The Board may also require that Respondent comply with all other requirements of initial licensure, except that the Board shall not require that the licensee fulfill again the requirement for undergraduate and professional chiropractic college education required by the statutes.

4. Prior to licensure, the Board may, in its sole discretion, require Respondent to undergo physical and psychiatric examinations to evaluate whether Respondent is fit to practice chiropractic.

5. The Board may, in its sole discretion, impose continuing education in the amount of 20 hours prior to licensure.