

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: Linda S. Ershow-Levenberg
Deputy Attorney General
Division of Law - 5th Fl.
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Tel. (201) 648-3696

FILED

JUL 12 1995

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

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

_____	:	
IN THE MATTER OF THE SUSPENSION :	:	
OR REVOCATION OF THE LICENSE OF :	:	Administrative Action
	:	
Douglas Zimmel, D.C. :	:	COMPLAINT
License No. MC03245 :	:	
	:	
TO PRACTICE CHIROPRACTIC :	:	
IN THE STATE OF NEW JERSEY :	:	
_____	:	

Deborah T.Poritz, Attorney General of New Jersey, by Linda S. Ershow-Levenberg, Deputy Attorney General, with offices located at the Division of Law, Fifth Floor, 124 Halsey Street, Newark, New Jersey 07102, by way of Complaint, says:

COUNT I

1. Complainant Attorney General of New Jersey is charged with enforcing the laws of the State of New Jersey pursuant to N.J.S.A. 52:17A-4 and is empowered to initiate administrative disciplinary proceedings against persons licensed by the Board of Chiropractic pursuant to N.J.S.A. 45:1-14 et seq.

2. The New Jersey State Board of Chiropractic Examiners is empowered with the duty and responsibility of regulating the

practice of chiropractic in the State of New Jersey pursuant to N.J.S.A. 45:9-14.5 et seq. and N.J.S.A. 45:1-14 et seq.

3. Respondent Douglas Zimmel, D.C., is the holder of License No. MC03245, with offices at 788 Broad Street, Shrewsbury, New Jersey and has been licensed to practice chiropractic in the State of New Jersey at all times relevant hereto.

4. On October 23, 1988, respondent commenced treatment of B. McL., a 25-year old male patient who had been injured in a rear-end collision fifteen months before. His chief complaints were neck pain, mid- and low - back pain, and knee pain. The initial diagnosis after comprehensive examination and radiological studies was spondylolysis, lumbar sprain/strain and radiculitis. The treatment program involved chiropractic adjustment, "active rehabilitative exercise," massage, and "therapeutic exercise" for "neuromuscular reeducation" and included hot packs and electric muscle stimulation.

5. For three weeks, the patient was being treated on a daily basis. This treatment was excessive and was unindicated for the patient's condition.

6. By December 23, 1989, the patient had reached maximum benefit from respondent's treatment program. All treatment after that date was unindicated.

7. Respondent's "active rehabilitation program" was not indicated because the patient did not have any clinically established and documented specific muscle deficits that required "rehabilitation."

8. Respondent's provision of a "neuromuscular reeducation program" was not indicated because the patient's condition was not of the severity of impairment which would require neuromuscular reeducation.

9. The repeated provision of (and billing for) massage to the neck and trapezius as preparatory to the adjustment was not indicated, since the patient was also receiving hot packs and electrical muscle stimulation prior to adjustments.

10. By the foregoing, respondent engaged in gross or repeated acts of negligence, malpractice or incompetence as well as professional misconduct, which constitutes grounds pursuant to N.J.S.A. 45:1-21(c), (d) and (e) for the revocation or suspension of his license to practice chiropractic in this State.

COUNT II

1. Complainant repeats the allegations of Count I as if fully set forth herein.

2. Respondent employed an unlicensed individual to perform massage on his patients and billed for that service in 1988 and 1989.

3. Respondent employed an unlicensed person called "Chuck" to design and administer the "rehabilitation" programs at respondent's offices. The program included use of universal gym and stationery bicycle equipment. Respondent himself was unfamiliar with the indications, purposes, goals, and protocols for legitimate rehabilitation programs, and allowed "Chuck" to examine patients, perform the "rehabilitation" therapies and monitor the patients' progress. Respondent billed for this services as "therapeutic exercise," neuromuscular reeducation and "reevaluation for rehabilitative services."

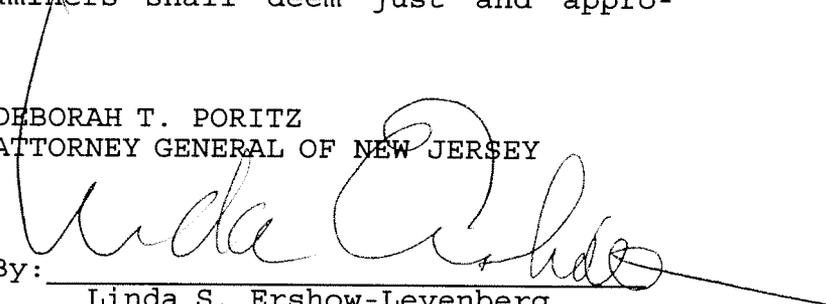
4. By the foregoing, respondent has aided and abetted the unlicensed practice of physical therapy and engaged in professional misconduct.

5. The aforesaid conduct constitutes grounds pursuant to N.J.S.A. 45:1-21 (e) and (h) for the suspension or revocation of his license to practice chiropractic in this State.

WHEREFORE, it is respectfully demanded that the State Board of Chiropractic Examiners:

1. Suspend or revoke the license heretofore issued to respondent Douglas Zimmel to practice chiropractic in the State of New Jersey;
2. Issue an Order directing respondent to cease, desist and refrain from the practice of chiropractic in the State of New Jersey;
3. Assess such monetary penalties for each separate unlawful act as set forth in Counts I and II above;
4. Order payment of costs, including investigative costs, fees for expert witness and costs of trial, including transcripts;
5. Issue an Order directing respondent to restore to any party or governmental entity aggrieved by the unlawful acts or practices of respondent, any monies acquired by respondent in the course of such conduct; and
6. Order such other and further relief as the Board of Chiropractic Examiners shall deem just and appropriate.

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: 

Linda S. Ershow-Levenberg
Deputy Attorney General

DATED: July 10, 1995