

FILED

MAY 13 1995

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: August T. Lembo
Deputy Attorney General
Division of Law
124 Halsey Street, 5th Floor
P.O.B. 45029
Newark, New Jersey 07102
Tel. No. (201) 648-3070

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

ORIGINAL

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

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
GERALD L. HUBBS, D.C.	:	COMPLAINT
LICENSE NO. MC02071	:	
TO PRACTICE CHIROPRACTIC IN THE	:	
STATE OF NEW JERSEY	:	

Deborah T. Poritz, Attorney General of New Jersey, by August T. Lembo, Deputy Attorney General, with offices located at the Division of Law, 124 Halsey Street, 5th Floor, Newark, New Jersey 07102, by way of Complaint says:

ALLEGATIONS COMMON TO ALL COUNTS

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. 45:17A-4 and is empowered to initiate administrative disciplinary proceedings against persons licensed by the Board of Chiropractic Examiners 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. 45:9-41.4 et seq. and N.J.S.A. 45:1-14 et seq.

3. Respondent, Gerald L. Hubbs, D.C. (hereinafter "Respondent" or "Dr. Hubbs") is the holder of License No. MC02071 with an address at 304 Beacon Avenue, Paulsboro, New Jersey 08066, and has been licensed to practice chiropractic in the State of New Jersey at all times relevant hereto and particularly since at least in or about July 1986.

COUNT I

Federal Criminal Conviction

1. On October 14, 1993, an indictment was filed against Gerald L. Hubbs in the United States District Court for the District of New Jersey after the Federal Grand Jury sitting in Newark returned said indictment.

2. Respondent was charged with having attempted to evade and defeat a portion of the income tax due and owing to the United States of America by filing a false and fraudulent 1989 U.S. tax return.

3. The indictment charged that the said tax return stated that the taxable income for the calendar year 1989 was \$38,797 with a resulting tax amount due of \$14,161.

4. The indictment further charged that the return failed to include approximately \$129,146.00 in additional taxable income received by Gerald L. Hubbs for his chiropractic business; he thus still owed the United States approximately \$39,673.00.

5. On July 27, 1994, a judgment was entered finding Dr. Hubbs guilty of income tax evasion in violation of U.S.C.A. 26 section 7201, following his plea of guilty.

6. Pursuant to the judgment, Respondent was placed on three years probation and was sentenced to four months home confinement. Respondent was required to provide financial records including yearly income tax returns and to cooperate with the probation officer in the investigation of his financial dealings; Respondent was also required to participate in a mental health program for evaluation and/or treatment if directed by the United States probation office.

7. Respondent has thus been convicted of a crime involving moral turpitude or relating adversely to the activity regulated by the Board pursuant to N.J.S.A. 45:1-21(f).

8. The foregoing conviction conclusively establishes that Respondent has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense in violation of N.J.S.A. 45:1-21(b).

9. All of the foregoing constitutes grounds pursuant to N.J.S.A. 45:1-21(b) and (f) for revocation or suspension of Respondent's license to practice chiropractic in this State.

COUNT II

Insurance Fraud

1. Complainant repeats the previous allegations as if fully set forth herein.

2. On or about March 25, 1994, Blue Cross and Blue Shield of New Jersey filed an amended complaint against Hubbs Chiropractic Center and Gerald L. Hubbs, individually, (hereinafter referred to collectively as "defendants") in the Superior Court of New Jersey, Law Division in Morris County (Docket No. MRS-L-1205-91).

3. Hubbs Chiropractic Center was alleged in the complaint to have been engaged in offering chiropractic services with its principal place of business in Paulsboro, New Jersey.

4. Gerald L. Hubbs was alleged, in the amended complaint, to have been associated with the Hubbs Chiropractic Center.

5. The amended complaint alleged that from July 1986 through March 1989, defendants claimed to have provided chiropractic services to thirty-six (36) subscribers of Blue Cross and Blue Shield, with each of these subscribers receiving chiropractic services in excess of forty 40 times and some of these subscribers receiving chiropractic services in excess of 430 times.

6. The amended complaint further alleged that some treatments claimed to have been provided by Respondent and by Hubbs Chiropractic Center were never administered to the subscribers identified in the claim forms filed in relation to these treatments.

7. The amended complaint further alleged that, as a direct consequence of defendants' scheme to defraud Blue Cross and Blue Shield, Respondent obtained payment for services not rendered and benefitted from the fraudulent billing practices during the years 1986 through 1989.

8. In or about March 1994, Andrew J. Karpinski, Commissioner of the New Jersey Department of Insurance, was granted leave to join in the action by Blue Cross and Blue Shield for the purpose of seeking payment of civil penalties, costs and attorney fees against Respondent for violating provisions of the New Jersey Insurance Fraus Prevention Act, N.J.S.A. 17:33A-1 et seq. ("Fraud Act").

9. On April 12, 1995, following the striking of Respondent's answer and following a subsequent proof hearing, final judgments were entered with the following terms:

- a. Final judgment was entered in favor of Blue Cross/Blue Shield and against Respondent and Hubbs Chiropractic Center, jointly and severally, in the amount of \$235,067.62 in compensatory damages, thus totalling \$705,201.06 in treble damages, investigator fees amounting to \$9,600; attorneys' fees amounting to \$80,335.10 and prejudgment interest amounting to \$55,142.81 for a total amount of \$850,728.98.
- b. Final judgment was entered in favor of co-plaintiff Andrew J. Karpinski, Commissioner, New Jersey Department of Insurance and against Respondent and Hubbs Chiropractic Center, jointly and severally for penalties pursuant to the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-5, in the amount of \$525,000.

10. The charging for chiropractic services not rendered constitutes dishonesty, fraud, deception, misrepresentation and professional misconduct on the part of Respondent in violation of N.J.S.A. 45:1-21(b).

11. The entry of the judgments as set forth above constitutes conclusive proof and Respondent is estopped from denying that he has acted in violation of N.J.S.A. 45:1-21(b) and (e).

12. All of the foregoing constitutes grounds pursuant to N.J.S.A. 45:1-21(b) and (e) for the revocation or suspension of Respondent's 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 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;

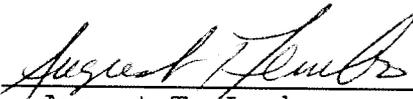
3. Assess such monetary penalties for each separate unlawful act as set forth in Counts I and II above;

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 provide restitution to any party or governmental entity aggrieved by the unlawful acts or practices of Respondent in the course of such conduct; and

6. Order such and further relief as the Board of Chiropractic Examiners shall deem just and appropriate.

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: 
August T. Lembo
Deputy Attorney General

DATED: *May 3, 1995*

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

FILED

MAY 14 1985

By: August T. Lembo
Deputy Attorney General
Division of Law
124 Halsey Street, 5th Floor
P.O.B. 45029
Newark, New Jersey 07102
Tel. No. (201) 648-3070

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & 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
	:	
GERALD L. HUBBS, D.C. LICENSE NO. MCO2071	:	NOTICE OF HEARING AND NOTICE TO FILE ANSWER
	:	
TO PRACTICE CHIROPRACTIC IN THE STATE OF NEW JERSEY	:	

TO: GERALD L. HUBBS, D.C.
304 Beacon Avenue
Paulsboro, New Jersey 08066

TAKE NOTICE that a Complaint, copy annexed hereto has been made to the New Jersey State Board of Chiropractic Examiners to consider the matter of the suspension or revocation of your license to practice chiropractic pursuant to the authority conferred upon the Board by N.J.S.A. 45:9-41.6 et seq., N.J.S.A. 45:1-14 et seq., laws pertinent to your profession and related administrative regulations. The Board requires you to file an answer to the above charge within ten (10) days from service of the Complaint. You may file an answer by mail to the address below.

An admission that the Complaints correct will indicate that you do not contest the charges stated, thus rendering unnecessary any

hearing in this proceeding. Your case will then be presented to the Board of Chiropractic Examiners together with any written matter you may submit with your plea in alleged mitigation of penalty, for a determination as to whether your license to practice should be suspended or revoked or a lesser sanction imposed and whether monetary penalties shall be assessed and, if so, the amount thereof pursuant to the authority conferred upon the Board by N.J.S.A. 45:9-41.6 et seq. and N.J.S.A. 45:1-14 et seq.

A denial of the Complaint will result in a formal hearing being conducted at a date, time and place to be determined by the New Jersey Board of Chiropractic Examiners which, upon notice to you, will hear the Complaint or refer the matter to the Office of Administrative Law. Adjournments will not be granted except upon timely written application to the Board and costs incurred as a result thereof may be taxed to you. You may appear at the hearing either in person or by attorney or both and you shall be afforded an opportunity to make defense to any or all of the charges.

Failure to respond to this Notice of Hearing and Notice to File an Answer or failure to appear as set forth herein may result in the matter being considered in your absence. A decision

rendered by the Board may affect your privilege to practice your licensed profession in this State.

NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

By: 
Charles A. Janousek
Executive Director

DATED:

KINDLY ADDRESS AN ORIGINAL AND ONE COPY OF ALL CORRESPONDENCE TO:

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET, 6TH FLOOR
NEWARK, NEW JERSEY 07102

WITH A COPY TO:

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY
ATTN: AUGUST T. LEMBO
DEPUTY ATTORNEY GENERAL
DIVISION OF LAW, 5TH FLOOR
P.O.B. 45029
NEWARK, NEW JERSEY 07101

CERTIFIED TRUE COPY

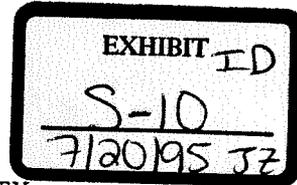
DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

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NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

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Deputy Attorney General
Division of Law
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC EXAMINERS

ORIGINAL

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

GERALD L. HUBBS, D.C.
LICENSE NO. MCO2071

TO PRACTICE CHIROPRACTIC IN THE
STATE OF NEW JERSEY

Administrative Action

NOTICE OF HEARING AND
NOTICE TO FILE ANSWER

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304 Beacon Avenue
Paulsboro, New Jersey 08066

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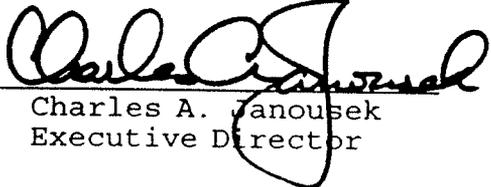
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CHIROPRACTIC EXAMINERS

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Charles A. Janousek
Executive Director

DATED:

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NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET, 6TH FLOOR
NEWARK, NEW JERSEY 07102

WITH A COPY TO:

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY
ATTN: AUGUST T. LEMBO
DEPUTY ATTORNEY GENERAL
DIVISION OF LAW, 5TH FLOOR
P.O.B. 45029
NEWARK, NEW JERSEY 07101

CERTIFIED TRUE COPY

FILED

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DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

By: August T. Lembo
Deputy Attorney General
Division of Law
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & 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
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GERALD L. HUBBS, D.C.	:	
LICENSE NO. MC02071	:	
TO PRACTICE CHIROPRACTIC IN THE STATE OF NEW JERSEY	:	

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9. On April 12, 1995, following the striking of Respondent's answer and following a subsequent proof hearing, final judgments were entered with the following terms:

- a. Final judgment was entered in favor of Blue Cross/Blue Shield and against Respondent and Hubbs Chiropractic Center, jointly and severally, in the amount of \$235,067.62 in compensatory damages, thus totalling \$705,201.06 in treble damages, investigator fees amounting to \$9,600; attorneys' fees amounting to \$80,335.10 and prejudgment interest amounting to \$55,142.81 for a total amount of \$850,728.98.
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10. The charging for chiropractic services not rendered constitutes dishonesty, fraud, deception, misrepresentation and professional misconduct on the part of Respondent in violation of N.J.S.A. 45:1-21(b).

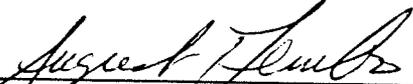
11. The entry of the judgments as set forth above constitutes conclusive proof and Respondent is estopped from denying that he has acted in violation of N.J.S.A. 45:1-21(b) and (e).

12. All of the foregoing constitutes grounds pursuant to N.J.S.A. 45:1-21(b) and (e) for the revocation or suspension of Respondent's 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 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 provide restitution to any party or governmental entity aggrieved by the unlawful acts or practices of Respondent in the course of such conduct; and
6. Order such and further relief as the Board of Chiropractic Examiners shall deem just and appropriate.

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: 
August T. Lembo
Deputy Attorney General

DATED: May 3, 1995

FILED

February 27, 1989

DONALD R. BELSOLE
ACTING ATTORNEY GENERAL OF NEW JERSEY

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By: Linda S. Ershow-Levenberg
Deputy Attorney General
Division of Law - Room 316
1100 Raymond Boulevard
Newark, NJ 07102
Telephone: (201) 648-4727

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

In the Matter of an Inquiry into :
the Practice of :

GERALD HUBBS, D.C. :

CONSENT ORDER

ORIGINAL

This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information alleging that Dr. Hubbs had provided truck drivers with medical certificates that can only be completed by plenary licensed physicians pursuant to the Federal Motor Carrier Safety Regulations, in 1986 and 1988. Specifically, this information alleged that Dr. Hubbs had completed a medical certificate for a driver in 1986, signing the certificate as "Dr. Gerald Hubbs" without adding the qualifier "Chiropractor" or "D.C." The Board further was informed that in 1988, Dr. Hubbs performed physical examinations for three other truck drivers, again completed the medical examiner's certificates, and again signed them "Dr. Gerald L. Hubbs." Dr. Hubbs appeared before a Committee of the Board to discuss these matters.

Dr. Hubbs admits that he performed the physical examinations on the truck drivers in 1988. (He had previously acknowledged having performed the 1986 examination). However, he maintains that since he is a registered nurse with more than ten years experience in nursing, the components of the examination were within his abilities to perform and that his failure to put "Chiropractor" or "D.C." after his name on the forms was an error and that he did not intend to deceive anyone. However, he did admit that he had exceeded the scope of chiropractic practice. The Board finds that Dr. Hubbs has exceeded the scope of practice set forth in N.J.A.C. 13:35-7.1 three separate times, and that he intended to deceive.

It appearing that the parties desire to resolve this matter without the necessity for formal proceedings, and it appearing that Dr. Hubbs does not contest the findings of fact set forth in this Order, and it further appearing that Dr. Hubbs has read the terms of this Order and consents to its entry by the Board, and it further appearing that the Board is satisfied that the public is adequately protected by the terms of this Order and that good cause has therefore been shown for its entry,

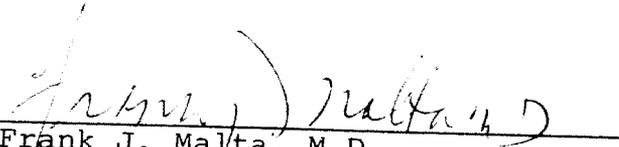
IT IS therefore, on this 15th day of February,
1989 Ordered:

1. Gerald Hubbs, D.C. is hereby reprimanded for violating the scope of practice rule, N.J.A.C. 13:35-7.1, on three occasions.

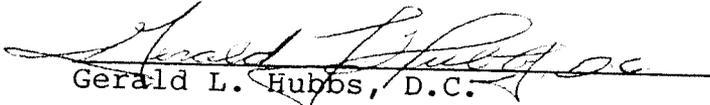
2. Respondent is hereby assessed a civil penalty of \$2500, payable to the Board of Medical Examiners within 30 days of the filing date of this Order.

3. Respondent shall forthwith cease and desist from engaging in activities that exceed the scope of his license as a chiropractor in this State, and specifically shall cease and desist from performing physical examinations and completing medical certificates for interstate truck drivers pursuant to the Federal Motor Carrier Safety Regulations.

STATE BOARD OF MEDICAL EXAMINERS


Frank J. Malta, M.D.
President

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


Gerald L. Hubbs, D.C.

FILED

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Att. D

2

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

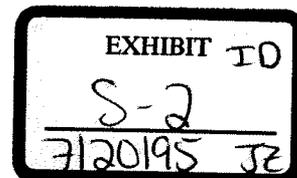
DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: August T. Lembo
Deputy Attorney General
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Tel. No. (201) 648-3070

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
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EXAMINERS

ORIGINAL

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
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GERALD L. HUBBS, D.C.	:	CERTIFICATION
	:	OF
TO PRACTICE CHIROPRACTIC	:	AUGUST T. LEMBO
IN THE STATE OF NEW JERSEY	:	
	:	

August T. Lembo, of full age, certifies and says:

1. I am the Deputy Attorney General assigned to represent the New Jersey State Board of Chiropractic Examiners in the above-captioned matter.

2 Respondent was requested to appear before the Board's Preliminary Investigation Committee on March 2, 1995. He failed to appear. I therefore issued a subpoena on March 3, 1995 requiring his appearance before the Board's Preliminary Investigation Committee on March 30, 1995. (See attachment A) Respondent again failed to appear, although he called the Board on March 29, 1995; at that time, I spoke to him on behalf of the Board; he indicated to me that he had certain difficulties with transportation and would not be appearing on the following day. He also gave some indication, during that telephone conversation, that he was prepared to voluntarily relinquish his license to practice chiropractic in New Jersey because he did not have or was not prepared to expend the funds to pay for legal services to contest the matter.

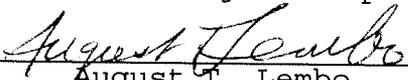
3. On May 4, 1995, I filed an administrative complaint with the Board against Respondent. Copies of that complaint together with a Notice of Hearing and Notice to File an Answer were duly served on Respondent according to the certification signed by Charles A.

Janousek, Executive Director of the Board. On or about June 20, 1995, I sent a letter by regular mail and by certified mail, return receipt requested. The letter advised Respondent that he had failed to file an answer to the administrative complaint and that I would move before the Board to have default judgment entered at the Board's meeting on July 20, 1995. The copy sent by regular mail was not returned. On July 11, 1995, I sent Respondent another letter by Express Mail next day service and, on July 12, by regular mail, essentially repeating the contents of the June 20, 1995 letter. (see attachment B) To date, there has been no response from Respondent to either letter.

I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED:

July 12, 1995


August T. Lembo
Deputy Attorney General

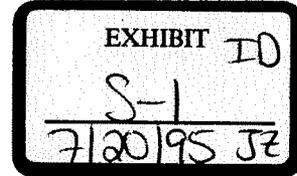
ATT. E
FILED

JUL 12 1995

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

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

ORIGINAL

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
GERALD L. HUBBS, D.C.	:	CERTIFICATION
	:	OF
TO PRACTICE CHIROPRACTIC	:	CHARLES A. JANOUSEK
IN THE STATE OF NEW JERSEY	:	
	:	

Charles A. Janousek, of full age, certifies and says:

1. I am the Executive Director of the New Jersey State Board of Chiropractic Examiners.

2. An administrative complaint was filed by the Attorney General of New Jersey before this Board on May 4, 1995. On that date also, copies of the Notice of Hearing and Notice to File an Answer together with copies of the administrative complaint were mailed to Respondent by regular mail and by certified mail, return receipt requested. The copy sent by regular mail was not returned. Receipt was acknowledged of the copy sent certified, return receipt requested. In addition, a copy was served personally upon Respondent by service on his brother, John Hubbs, D.C. at Respondent's home at 304 Beacon Avenue, Paulsboro, New Jersey on May 15, 1995. Respondent was given ten (10) days to file a response to the administrative complaint. Attached is the certification of investigator.

I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED: 7/12/95

Charles A. Janousek

State of New Jersey
Department of Law & Public Safety
Division of Consumer Affairs

**ENFORCEMENT BUREAU
MEMORANDUM**

To: Charles A. Janousek, Executive Director Date: 5/17/95
Board of Chiropractic Examiners

From: Robert J. Starrantino, Supervising Investigator
Section 5 *RJS*

Subject: GERALD HUBBS, D.C.
File #31-104-95-29

Enclosed find an affidavit of service prepared by Investigator John Czuba.

RJS

RJS:bd
cc: August T. Lembo, Deputy Attorney General
Division of Law

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

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE :
OF :
Gerald Hubbs, D.C. :
License #MC 02071 :
TO PRACTICE CHIROPRACTIC :
IN THE STATE OF NEW JERSEY :

AFFIDAVIT OF SERVICE

I, John Czuba, of full age, being duly sworn according to law, upon my oath, depose and say:

1. I am employed by the State of New Jersey, Division of Consumer Affairs, Enforcement Bureau, 124 Halsey Street, 7th Floor, Newark, NJ 07102.
2. My Civil Service designation is Investigator III.
3. On May 15, 1995, at 10:55 A.M., at the premises located at 304 Beacon Avenue, Paulsboro, NJ, I personally served on a person who identified himself as John Hubbs, D.C., an Administrative Order Complaint and Notice of Hearing and Notice to File Answer.
4. Dr. J. Hubbs, reviewed the above documents with me and said that Gerald Hubbs, D.C., did receive the Administrative Orders by certified mail.
5. I swear that all of the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.



Sworn and Subscribed to before
me this 17th day of May, 1995


ROBERT J. STARRANTINO
A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 2/23/2000



State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

DEBORAH T. PORITZ
Attorney General
MARK S. HERR
Director

May 4, 1995

**REGULAR MAIL AND
CERTIFIED/RETURN RECEIPT
Z 385 476 261**

Mailing Address:
P.O. Box 45004
Newark NJ 07101
(201) 504-6395

Gerald Hubbs, D.C.
304 Beacon Avenue
Paulsboro, NJ 08066

Dear Dr. Hubbs:

Enclosed please find a copy of the Administrative Action NOTICE OF HEARING AN NOTICE TO ENTER PLEA AND COMPLAINT filed with the New Jersey Board of Chiropractic Examiners.

Your receipt acts as service of these documents. Should you have any questions, please contact the Deputy Attorney General listed on the Notice of Hearing.

Very truly yours,


Charles A. Janousek
Executive Director

CAJ/ms
Enclosures

cc: DAG August T. Lembo

CERTIFIED TRUE COPY

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

FILED

MAY 14 1985

By: August T. Lembo
Deputy Attorney General
Division of Law
124 Halsey Street, 5th Floor
P.O.B. 45029
Newark, New Jersey 07102
Tel. No. (201) 648-3070

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & 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

GERALD L. HUBBS, D.C.
LICENSE NO. MCO2071

NOTICE OF HEARING AND
NOTICE TO FILE ANSWER

TO PRACTICE CHIROPRACTIC IN THE
STATE OF NEW JERSEY

TO: GERALD L. HUBBS, D.C.
304 Beacon Avenue
Paulsboro, New Jersey 08066

TAKE NOTICE that a Complaint, copy annexed hereto has been made to the New Jersey State Board of Chiropractic Examiners to consider the matter of the suspension or revocation of your license to practice chiropractic pursuant to the authority conferred upon the Board by N.J.S.A. 45:9-41.6 et seq., N.J.S.A. 45:1-14 et seq., laws pertinent to your profession and related administrative regulations. The Board requires you to file an answer to the above charge within ten (10) days from service of the Complaint. You may file an answer by mail to the address below.

An admission that the Complaints correct will indicate that you do not contest the charges stated, thus rendering unnecessary any

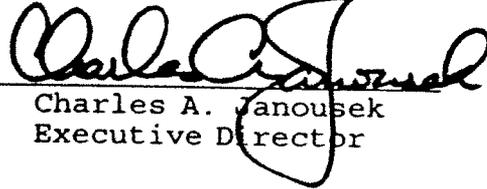
hearing in this proceeding. Your case will then be presented to the Board of Chiropractic Examiners together with any written matter you may submit with your plea in alleged mitigation of penalty, for a determination as to whether your license to practice should be suspended or revoked or a lesser sanction imposed and whether monetary penalties shall be assessed and, if so, the amount thereof pursuant to the authority conferred upon the Board by N.J.S.A. 45:9-41.6 et seq. and N.J.S.A. 45:1-14 et seq.

A denial of the Complaint will result in a formal hearing being conducted at a date, time and place to be determined by the New Jersey Board of Chiropractic Examiners which, upon notice to you, will hear the Complaint or refer the matter to the Office of Administrative Law. Adjournments will not be granted except upon timely written application to the Board and costs incurred as a result thereof may be taxed to you. You may appear at the hearing either in person or by attorney or both and you shall be afforded an opportunity to make defense to any or all of the charges.

Failure to respond to this Notice of Hearing and Notice to File an Answer or failure to appear as set forth herein may result in the matter being considered in your absence. A decision

rendered by the Board may affect your privilege to practice your licensed profession in this State.

NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

By: 

Charles A. Janousek
Executive Director

DATED:

KINDLY ADDRESS AN ORIGINAL AND ONE COPY OF ALL CORRESPONDENCE TO:

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET, 6TH FLOOR
NEWARK, NEW JERSEY 07102

WITH A COPY TO:

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY
ATTN: AUGUST T. LEMBO
DEPUTY ATTORNEY GENERAL
DIVISION OF LAW, 5TH FLOOR
P.O.B. 45029
NEWARK, NEW JERSEY 07101

CERTIFIED TRUE COPY

FILED

MAY 1985

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 07102
Tel. No. (201) 648-3070

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

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
GERALD L. HUBBS, D.C.	:	COMPLAINT
LICENSE NO. MC02071	:	
TO PRACTICE CHIROPRACTIC IN THE	:	
STATE OF NEW JERSEY	:	

Deborah T. Poritz, Attorney General of New Jersey, by August T. Lembo, Deputy Attorney General, with offices located at the Division of Law, 124 Halsey Street, 5th Floor, Newark, New Jersey 07102, by way of Complaint says:

ALLEGATIONS COMMON TO ALL COUNTS

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. 45:17A-4 and is empowered to initiate administrative disciplinary proceedings against persons licensed by the Board of Chiropractic Examiners 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. 45:9-41.4 et seq. and N.J.S.A. 45:1-14 et seq.

3. Respondent, Gerald L. Hubbs, D.C. (hereinafter "Respondent" or "Dr. Hubbs") is the holder of License No. MC02071 with an address at 304 Beacon Avenue, Paulsboro, New Jersey 08066, and has been licensed to practice chiropractic in the State of New Jersey at all times relevant hereto and particularly since at least in or about July 1986.

COUNT I

Federal Criminal Conviction

1. On October 14, 1993, an indictment was filed against Gerald L. Hubbs in the United States District Court for the District of New Jersey after the Federal Grand Jury sitting in Newark returned said indictment.

2. Respondent was charged with having attempted to evade and defeat a portion of the income tax due and owing to the United States of America by filing a false and fraudulent 1989 U.S. tax return.

3. The indictment charged that the said tax return stated that the taxable income for the calendar year 1989 was \$38,797 with a resulting tax amount due of \$14,161.

4. The indictment further charged that the return failed to include approximately \$129,146.00 in additional taxable income received by Gerald L. Hubbs for his chiropractic business; he thus still owed the United States approximately \$39,673.00.

5. On July 27, 1994, a judgment was entered finding Dr. Hubbs guilty of income tax evasion in violation of U.S.C.A. 26 section 7201, following his plea of guilty.

6. Pursuant to the judgment, Respondent was placed on three years probation and was sentenced to four months home confinement. Respondent was required to provide financial records including yearly income tax returns and to cooperate with the probation officer in the investigation of his financial dealings; Respondent was also required to participate in a mental health program for evaluation and/or treatment if directed by the United States probation office.

7. Respondent has thus been convicted of a crime involving moral turpitude or relating adversely to the activity regulated by the Board pursuant to N.J.S.A. 45:1-21(f).

8. The foregoing conviction conclusively establishes that Respondent has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense in violation of N.J.S.A. 45:1-21(b).

9. All of the foregoing constitutes grounds pursuant to N.J.S.A. 45:1-21(b) and (f) for revocation or suspension of Respondent's license to practice chiropractic in this State.

COUNT II

Insurance Fraud

1. Complainant repeats the previous allegations as if fully set forth herein.

2. On or about March 25, 1994, Blue Cross and Blue Shield of New Jersey filed an amended complaint against Hubbs Chiropractic Center and Gerald L. Hubbs, individually, (hereinafter referred to collectively as "defendants") in the Superior Court of New Jersey, Law Division in Morris County (Docket No. MRS-L-1205-91).

3. Hubbs Chiropractic Center was alleged in the complaint to have been engaged in offering chiropractic services with its principal place of business in Paulsboro, New Jersey.

4. Gerald L. Hubbs was alleged, in the amended complaint, to have been associated with the Hubbs Chiropractic Center.

5. The amended complaint alleged that from July 1986 through March 1989, defendants claimed to have provided chiropractic services to thirty-six (36) subscribers of Blue Cross and Blue Shield, with each of these subscribers receiving chiropractic services in excess of forty 40 times and some of these subscribers receiving chiropractic services in excess of 430 times.

6. The amended complaint further alleged that some treatments claimed to have been provided by Respondent and by Hubbs Chiropractic Center were never administered to the subscribers identified in the claim forms filed in relation to these treatments.

7. The amended complaint further alleged that, as a direct consequence of defendants' scheme to defraud Blue Cross and Blue Shield, Respondent obtained payment for services not rendered and benefitted from the fraudulent billing practices during the years 1986 through 1989.

8. In or about March 1994, Andrew J. Karpinski, Commissioner of the New Jersey Department of Insurance, was granted leave to join in the action by Blue Cross and Blue Shield for the purpose of seeking payment of civil penalties, costs and attorney fees against Respondent for violating provisions of the New Jersey Insurance Fraus Prevention Act, N.J.S.A. 17:33A-1 et seq. ("Fraud Act").

9. On April 12, 1995, following the striking of Respondent's answer and following a subsequent proof hearing, final judgments were entered with the following terms:

a. Final judgment was entered in favor of Blue Cross/Blue Shield and against Respondent and Hubbs Chiropractic Center, jointly and severally, in the amount of \$235,067.62 in compensatory damages, thus totalling \$705,201.06 in treble damages, investigator fees amounting to \$9,600; attorneys' fees amounting to \$80,335.10 and prejudgment interest amounting to \$55,142.81 for a total amount of \$850,728.98.

b. Final judgment was entered in favor of co-plaintiff Andrew J. Karpinski, Commissioner, New Jersey Department of Insurance and against Respondent and Hubbs Chiropractic Center, jointly and severally for penalties pursuant to the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-5, in the amount of \$525,000.

10. The charging for chiropractic services not rendered constitutes dishonesty, fraud, deception, misrepresentation and professional misconduct on the part of Respondent in violation of N.J.S.A. 45:1-21(b).

11. The entry of the judgments as set forth above constitutes conclusive proof and Respondent is estopped from denying that he has acted in violation of N.J.S.A. 45:1-21(b) and (e).

12. All of the foregoing constitutes grounds pursuant to N.J.S.A. 45:1-21(b) and (e) for the revocation or suspension of Respondent's 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 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 provide restitution to any party or governmental entity aggrieved by the unlawful acts or practices of Respondent in the course of such conduct; and
6. Order such and further relief as the Board of Chiropractic Examiners shall deem just and appropriate.

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: August T. Lembo
August T. Lembo
Deputy Attorney General

DATED: May 3, 1995

CLOSED
24-13-95

RECEIVED & FILED
DEPUTY CLERK
SUPERIOR COURT

APR 13 4 16 PM '95

How

FILED

APR 13 1995

ACMS

HERBERT S. FRIEND, J. S. C.
JUDGE'S CHAMBERS
MORRIS COUNTY
COURTHOUSE

PITNEY, HARDIN, KIPP & SZUCH
(MAIL TO) P.O. BOX 1945, MORRISTOWN, N.J. 07962-1945
(DELIVERY TO) 200 CAMPUS DRIVE, FLORHAM PARK, N.J. 07932-0950
(201) 966-6300

ATTORNEYS FOR **Plaintiff**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
DOCKET NO. MRS-L-1205-91

BLUE CROSS AND BLUE SHIELD
OF NEW JERSEY, INC., a non-
profit health services
corporation,

Civil Action

Plaintiff,

AND

ANDREW J. KARPINSKI
COMMISSIONER, NEW JERSEY
DEPARTMENT OF INSURANCE,

FINAL JUDGMENT
IN FAVOR OF BLUE CROSS/
BLUE SHIELD

Co-Plaintiff,

vs.

HUBBS CHIROPRACTIC CENTER and
GERALD L. HUBBS, individually,

Defendants.

This matter having been opened to the Court by Pitney,
Hardin, Kipp & Szuch (Loryn P. Riggiola, Esq., appearing),
attorneys for plaintiff Blue Cross and Blue Shield of New Jersey,
Inc. ("Blue Cross/Blue Shield") and co-plaintiff, Andrew J.

ORIGINAL

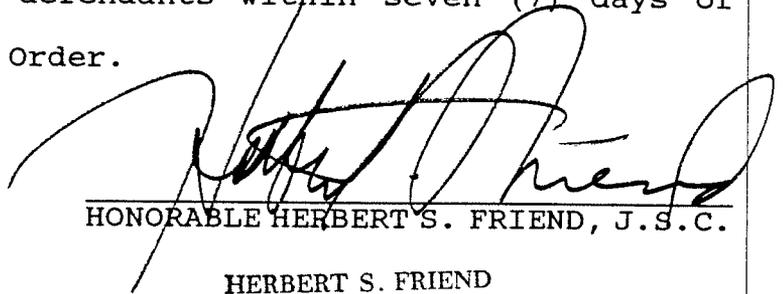
Karpinski, Commissioner, New Jersey Department of Insurance (Deborah T. Poritz, Attorney General of New Jersey, counsel for plaintiff, Lee Barry, SDAG, appearing) and on notice to Hartman & Nugent (Thomas Milatano, Esq., appearing), attorneys for defendants Gerald L. Hubbs and Hubbs Chiropractic Center and the Court having stricken defendants' Answer by Order entered October 31, 1994, and the Court having heard the testimony and reviewed the evidence presented by Blue Cross/Blue Shield at the proof hearing on February 10, 1995; and for the reasons set forth on the record on February 10, 1995; and good cause having been shown;

IT IS on this *12* day of *April*, 1995;

ORDERED AND ADJUDGED that judgment be and the same is hereby entered in favor of plaintiff Blue Cross/Blue Shield and against defendants Gerald L. Hubbs and Hubbs Chiropractic Center, jointly and severally, on the Amended Complaint in the amount of \$235,067.02 in compensatory damages, totalling \$705,201.06 in treble damages; investigation fees amounting to \$9,600.00; attorneys' fees amounting to \$80,335.10 and prejudgment interest amounting to \$55,142.81 for a total amount of \$850,278.97; and it is further

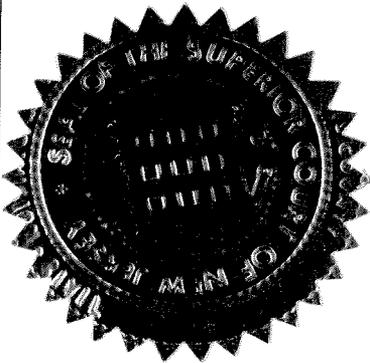
ORDERED that in connection with the collection of this judgment, defendants Gerald L. Hubbs and Hubbs Chiropractic Center be and the same are hereby ordered to provide timely and certified responses to supplemental proceeding written interrogatories propounded by Blue Cross/Blue Shield for the purposes of locating and levying upon defendants' assets; and it is

FURTHER ORDERED that a copy of this Final Judgment shall be served upon counsel for defendants within seven (7) days of plaintiff's receipt of this Order.


HONORABLE HERBERT S. FRIEND, J.S.C.

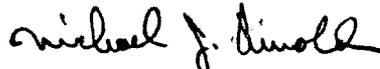
Opposed
 Unopposed

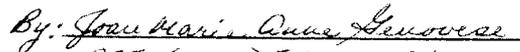
HERBERT S. FRIEND
Judge Superior Court



I, Michael J. Arnold, deputy clerk of the Superior Court of New Jersey, the same being a Court of Record, do hereby certify that the foregoing is a true copy of the *Final Judgment In Favor Of Blue Cross/Blue Shield* now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Trenton, this *19th* day of *July*, Nineteen hundred and ninety five


DEPUTY CLERK


SPECIAL DEPUTY CLERK

FILED

AUG 21 1995

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

ORIGINAL

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

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
:
:
GERALD L. HUBBS, D.C. :
License No. MC02071 :
:
TO PRACTICE CHIROPRACTIC IN THE :
STATE OF NEW JERSEY :

Administrative Action
FINAL DECISION AND ORDER

THIS MATTER was opened to the New Jersey State Board of Chiropractic Examiners by way of an Administrative Complaint by Attorney General Deborah T. Poritz (August T. Lembo, Deputy Attorney General, appearing) dated May 4, 1995. By Notice of Hearing and Notice to File an Answer, a hearing was scheduled for July 20, 1995 before the Board.

The Administrative Complaint alleges that respondent Gerald L. Hubbs, D.C. (hereinafter "respondent") engaged in conduct essentially constituting federal income tax evasion and fraudulent insurance billing practices. Specifically, respondent pled guilty on or about May 23, 1994 to a Federal Grand Jury Indictment (No. 93-504 (HLS)) filed against respondent on October 14, 1993 in the United States District Court for the District of New Jersey. Respondent was charged with having attempted to evade and defeat a portion of the

5. Respondent shall, contemporaneously with the entry of this order, pay costs to the Board in an amount not to exceed one thousand (\$1,000.00) dollars by certified check or money order made payable to the New Jersey State Board of Chiropractic Examiners.


Gerald L. Sternbach, D.C., President
Board of Chiropractic Examiners

CLOSED

RECEIVED & FILED
DEPUTY CLERK
SUPERIOR COURT

APR 13 4 15 PM '95

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ACMS

FILED

APR 13 1995

HERBERT S. FRIEND, J. S. C.,
JUDGE'S CHAMBERS
MORRIS COUNTY
COURTHOUSE

ORIGINAL

DEBORAH T. PORITZ
Attorney General of New Jersey
Attorney for Co-Plaintiff
Andrew J. Karpinski, Commissioner
New Jersey Department of Insurance
R.J. Hughes Justice Complex
CN 117
Trenton, New Jersey 08625

By: Lee Barry
Deputy Attorney General
(609) 984-8469

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRIS COUNTY
DOCKET NO. MRS-L-1205-91

BLUE CROSS AND BLUE SHIELD)
OF NEW JERSEY, INC., a non-)
profit health services)
corporation,)

Plaintiff,)

AND)

ANDREW J. KARPINSKI)
COMMISSIONER, NEW JERSEY)
DEPARTMENT OF INSURANCE,)

Co-Plaintiff,)

v.)

HUBBS CHIROPRACTIC CENTER)
and GERALD L. HUBBS,)
individually,)

Defendants.)

Civil Action

FINAL JUDGMENT IN FAVOR OF
COMMISSIONER OF NEW JERSEY
DEPARTMENT OF INSURANCE

This matter having been opened to the Court by Pitney,
Hardin, Kipp & Szuch (Loryn P. Riggiola, Esq. appearing), attorneys

income tax due and owing to the United States of America by filing a false and fraudulent 1989 U.S. tax return. The indictment charged that said tax return stated that respondent's taxable income for the calendar year 1989 was \$38,797.00 with a resulting tax amount due of \$14,161.00. The indictment further charged that the return failed to include approximately \$129,146.00 in additional taxable income received by Gerald L. Hubbs for his chiropractic business; he thus still owed the United States approximately \$39,673.00. On July 27, 1994, a judgment of conviction was entered finding Dr. Hubbs guilty of income tax evasion in violation of U.S.C.A. 26 section 7201, following his plea of guilty. Pursuant to the judgment, respondent was placed on three years probation and was sentenced to four months home confinement. Respondent was required to provide financial records including yearly income tax returns and to cooperate with the probation officer in the investigation of his financial dealings; respondent was also required to participate in a mental health program for evaluation and/or treatment if directed by the United States probation office.

The Administrative Complaint further alleged that on or about March 25, 1994, Blue Cross and Blue Shield of New Jersey filed an amended civil complaint against Hubbs Chiropractic Center and Gerald L. Hubbs, individually, (hereinafter referred to collectively as "defendants") in the Superior Court of New Jersey, Law Division, in Morris County (Docket No. MRS-L-1205-91). The Amended Complaint in the Superior Court matter alleged that from July 1986 through March 1989, defendants claimed to have provided chiropractic services to thirty-six (36) subscribers of Blue Cross and Blue Shield, with each of these subscribers receiving chiropractic services on more than forty 40 (40)

occasions, and some of these subscribers receiving chiropractic services on more than 430 occasions. The Amended Complaint further alleged that some of the treatments claimed to have been provided by respondent and by Hubbs Chiropractic Center were never administered to the subscribers identified in the claim forms filed in relation to these treatments. Additionally, Amended Complaint alleged that, as a direct consequence of defendants' scheme to defraud Blue Cross and Blue Shield, respondent obtained payment for services not rendered and benefitted from the fraudulent billing practices during the years 1986 through 1989.

In or about March 1994, Andrew J. Karpinski, Commissioner of the New Jersey Department of Insurance, was granted leave to join in the action by Blue Cross and Blue Shield for the purpose of seeking payment of civil penalties, costs and attorney fees against respondent for violating provisions of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq. ("Fraud Act"). On April 12, 1995, following the striking of respondent's answer and following a subsequent proof hearing, final judgments were entered with the following terms:

- a. Final judgment was entered in favor of Blue Cross/Blue Shield and against respondent and Hubbs Chiropractic Center, jointly and severally, in the amount of \$235,067.62 in compensatory damages, thus totalling \$705,201.06 in treble damages, investigator fees amounting to \$9,600; attorneys' fees amounting to \$80,335.10 and prejudgment interest amounting to \$55,142.81 for a total amount of \$850,728.98.
- b. Final judgment was entered in favor of co-plaintiff Andrew J. Karpinski, Commissioner, New Jersey Department of Insurance and against respondent and Hubbs Chiropractic Center, jointly and severally for penalties pursuant to the New Jersey Insurance Fraud

Prevention Act, N.J.S.A. 17:33A-5, in the amount of \$525,000.

PROCEDURAL BACKGROUND

Respondent was requested to appear before the Board's Preliminary Investigation Committee on March 2, 1995. He failed to appear. Therefore, on March 3, 1995, a subpoena was issued requiring his appearance before the Committee on March 30, 1995. Respondent again failed to appear, although he called a deputy attorney general representing the Board on March 29, 1995 and indicated he had certain difficulties with transportation and would not be appearing on the following day. He also gave some indication, during that telephone conversation, that he was prepared to voluntarily relinquish his license to practice chiropractic in New Jersey because he did not have the funds to pay for legal services to contest the matter.

On May 4, 1995, copies of the Administrative Complaint and Notice of Hearing and Notice to File an Answer were mailed to respondent by regular mail and by certified mail, return receipt requested. The copy sent by regular mail was not returned. On May 8, 1995, receipt was acknowledged of the copy sent certified, return receipt requested. In addition, a copy was served personally upon respondent by service on his brother, John Hubbs, D.C. at respondent's home at 304 Beacon Avenue, Paulsboro, New Jersey, on May 15, 1995. Respondent was given ten (10) days to file a response to the Administrative Complaint. On June 20, 1995, Deputy Attorney General August T. Lembo sent a letter by regular mail and by certified mail, return receipt requested, advising respondent that he had failed to

file an answer to the Administrative Complaint and that the deputy attorney general would move before the Board to have default judgment entered at the Board's meeting on July 20, 1995. No answer was submitted on behalf of respondent prior to the date of the hearing.

A hearing in this matter was held on July 20, 1995. The State established proof of service by personal service. Respondent failed to appear and/or file a response to the Administrative Complaint. Deputy Attorney General August T. Lembo prosecuted the case and marked the following documents for identification which the Board sua sponte accepted into evidence:¹

- S1 Certification of Charles A. Janousek, Executive Director of the Board of Chiropractic Examiners, dated July 12, 1995.
- S2 Certification of August T. Lembo, Deputy Attorney General, dated July 12, 1995.
- S3 Letter dated June 20, 1995 to Gerald Hubbs from Deputy Attorney General August T. Lembo.
- S4 Letter dated July 11, 1995 to Gerald Hubbs from Deputy Attorney General August T. Lembo.
- S5 Indictment filed on October 14, 1993 in the U.S. District Court for the District of New Jersey, Criminal No. 93-504 and Judgment filed on July 27, 1994 in the matter of U.S.A. v. Hubbs in the U.S. District Court for the District of New Jersey, Criminal No. 93-504.
- S6 Amended Complaint and Jury Demand dated March 25, 1994.
- S7 Final Judgment in favor of Blue Cross/Blue Shield filed on April 13, 1995 in the matter of Blue Cross and Blue Shield of New Jersey, Inc., et al. v. Hubbs Chiropractic Center, et al., Docket No. MRS-L-1205-91.

¹The record appears to be unclear as to whether these items were actually marked into evidence; however, the Board clearly accepted these items and considered them as if they were moved into evidence.

S8 Final Judgment in favor of the Commissioner of New Jersey Department of Insurance filed April 13, 1995 in the matter of Blue Cross and Blue Shield and Karpinski v. Hubbs Chiropractic Center, et al., Docket No. MRS-L-1205-91.

At the close of the State's case, Deputy Attorney General Lembo asked that, if the Board decided to revoke respondent's license to practice chiropractic, it require, as a prerequisite to Board consideration of any application for reinstatement, that respondent submit an accounting to the Board of every patient file so that the Board could render a decision as to the amount of restitution to be made. The Board conducted deliberations in executive session on July 20, 1995, and thereafter rendered its decision in public session on the same date.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

On consideration of the record herein, the Board makes the following findings of fact and conclusions of law. With respect to the federal income tax evasion conviction, the Board finds that respondent has been convicted of a crime involving moral turpitude or relating adversely to the practice of chiropractic pursuant to N.J.S.A. 45:1-21(f). The foregoing conviction also conclusively establishes that respondent has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense in violation of N.J.S.A. 45:1-21(b). All of the foregoing constitute grounds pursuant to N.J.S.A. 45:1-21(b) and (f) for revocation or

suspension of respondent's license to practice chiropractic in this State.

With respect to the insurance fraud issues, the Board finds that charging for chiropractic services not rendered constitutes dishonesty, fraud, deception, misrepresentation and professional misconduct on the part of respondent in violation of N.J.S.A. 45:1-21(b) and (e). The Board further finds that the entry of the judgments in State Superior Court constitutes conclusive proof and respondent is estopped from denying that he has acted in violation of N.J.S.A. 45:1-21(b) and (e). All of the foregoing constitutes grounds, pursuant to N.J.S.A. 45:1-21(b) and (e), for the revocation or suspension of respondent's license to practice chiropractic in this State.

It appearing that respondent, Gerald L. Hubbs, D.C. has failed to file an answer to the charges set forth in the Administrative Complaint filed before this Board or to otherwise appear, and that he is therefore in default; and the Board finding that the facts previously set forth herein constitute grounds for disciplinary action pursuant to N.J.S.A. 45:1-21(b), (e), and (f); and it further appearing that the Board finds that the within Order is necessary to protect the public health, safety and welfare; and it further appearing that good cause exists for entry of the within Order:

IT IS THEREFORE ON THIS 21st DAY OF August, 1995
ORDERED:

1. Default is hereby entered against respondent in this matter.

2. Respondent's license to practice chiropractic in the State of New Jersey is hereby revoked.

3. Respondent shall either forthwith surrender his license to practice chiropractic to an Enforcement Bureau investigator or forward his license to the Board located at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102. Respondent shall hereafter cease and desist from the practice of chiropractic. Respondent shall not represent himself as a chiropractor or render any service which falls within the scope of the practice of chiropractic. Respondent shall take no steps to renew his license in the State of New Jersey unless and until the Board has entered an order of reinstatement. In no event shall any application for reinstatement be entertained by the New Jersey State Board of Chiropractic Examiners prior to the expiration of five (5) years of the date of this order.

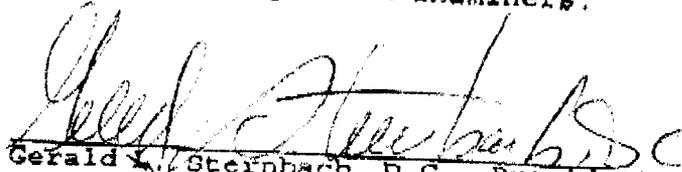
4. Should respondent seek to apply for reinstatement of licensure with the New Jersey State Board of Chiropractic Examiners, he must satisfy the following conditions in full, as a prerequisite to any application for reinstatement: (1) Respondent shall fully and completely satisfy any and all requirements of the judgments entered in the Federal District Court criminal matter, as well as the New Jersey State Superior Court matters, which judgments are referenced in this Order; and (2) Respondent shall submit an accounting to the Board of all patient files comprising the last three (3) years of active practice so that the Board can render a decision as to the amount of restitution to be made. The burden shall be on Respondent to establish that the necessary prerequisites have been satisfied prior to applying for reinstatement.

ID:

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5. Respondent shall, contemporaneously with the entry of this order, pay costs to the Board in an amount not to exceed one thousand (\$1,000.00) dollars by certified check or money order made payable to the New Jersey State Board of Chiropractic Examiners.



Gerald L. Sternbach, D.C., President
Board of Chiropractic Examiners