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FILED

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NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

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 THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
ANTHONY SCARPELLO, 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 Anthony Scarpello, D.C. (Hereinafter "Respondent") had been engaged in the inappropriate practice of chiropractic and inappropriate billing for chiropractic services.

Respondent appeared with counsel, Leonard Peduto, Esq., of the law firm of Klein Chapman, Esq., before the Preliminary Investigation Committee of the Board on October 3, 1991.

The Board has reviewed the entire record in this matter including the chiropractic records of patients D.W. and B. W. Who were 1 1/2 and 2 1/2 years old respectively at or about the time of the treatment rendered to them by Respondent in 1989. The Board

also reviewed statements made under oath by the parents of D.W. and B. W. on February 10, 1992. The Board also reviewed the entire licensee file of Respondent including the criminal conviction on November 4, 1981 for mail fraud, the subsequent license revocation order entered by the New Jersey State Board of Medical Examiners on August 16, 1982 and the subsequent reinstatement order entered by that Board of medical Examiners on September 23, 1982, including the provision in that reinstatement order that Dr. Scarpello would be prohibited from submitting bills or claims directly to third-party payers but rather would be required to complete and sign third-party claim forms submitted to him, provide them to the respective patients with his bills for their review, and request that they forward the appropriate forms to the third-party payers, for payment or reimbursement.

The Board finds that Dr. Scarpello presented charges to an insurance company for services rather than having patients submit those charges as required by the reinstatement order of the Board of Medical Examiners. The Board further finds that the services referenced and described in those charges were different from the actual services rendered to the patients D.W. and B.W. The Board notes Dr. Scarpello's argument that the cost of those services was the same in both cases. The Board was concerned that the treatment records of D.W. and B.W. were not prepared contemporaneously with the treatment but were prepared due to the investigation of the treatment by the insurance company. The Board notes Dr. Scarpello's argument that these treatment records of D.W.

and B.W., were prepared contemporaneously with the treatment, although they did not properly describe the services provided and were subsequently corrected due to the investigation of the treatment by the insurance company.

The parties being desirous of resolving this matter without the necessity of formal proceedings, and it appearing that Respondent, Anthony Scarpello, 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(e) and (h), and without Dr. Scarpello's admitting guilt, liability and/or responsibility, or any intentional wrongdoing, in connection with such violations, 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 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 ON THIS 16th DAY OF October, 1997,
ORDERED:

1. The license of Anthony Scarpello, D.C. to practice Chiropractic in the State of New Jersey shall be suspended for a period commencing with entry of the order and terminating on November 1, 1998, the entirety to be stayed and served as a period of probation, subject to the conditions of this Order.

2. Respondent shall be required to take twenty (20) hours of continuing education within the six month period following entry of this Order; the course or courses shall be subject to the approval of the Board.

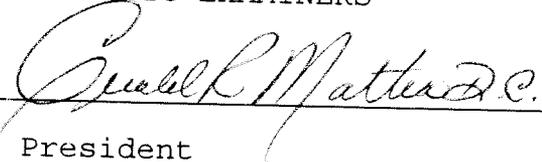
3. Respondent shall pay a penalty of three thousand (\$3,000) dollars. Payment shall be made by certified check or money order, made payable to the New Jersey State Board of Chiropractic Examiners, 124 Halsey Street, Newark, New Jersey 07102, contemporaneously with the entry of this Order.

4. Respondent shall pay costs of the investigation of the matter and in an amount not to exceed one thousand (\$1,000) dollars by certified check or money order payable in the same manner as the penalty set forth above.

5. During the period of probation, Respondent may submit bills and claims for services rendered to his patients directly to third-party payers only with the written authorization and approval of each patient. Such authorization and approval shall be given by having the patient sign a form on the occasion of each treatment and/or service described in the bill or claim, certifying that the patient has received the treatment and/or service, has been advised of the cost or charge for each treatment and/or service rendered and to be billed to the third-party payor and approves such cost or charge. The form shall be subject to the approval of the Board. At the end of the period of probation, Respondent may apply to the Board to terminate this procedural requirement, which application shall be granted provided that

Respondent demonstrates that he has complied with the requirements of this Order and that there have been no further findings of violations of the statutes or regulations administered by this Board. This provision supersedes Paragraph 5 of the order entered on September 23, 1983 against Respondent.

NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

By: 
President

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


Anthony Scarpello, D.C.