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ATTORNEY GENERAL OF NEW JERSEY

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

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

In the Matter of the Suspension)
or Revocation of the License of)
ANTHONY DiPASTINA, D.C.)
To Practice Chiropractic in the)
State of New Jersey)
_____)

Administrative Action
CONSENT ORDER

This matter was opened to the Board of Chiropractic Examiners (hereinafter the "Board") following an investigation by the Insurance Fraud Division of the Department of Insurance. In addition, in furtherance of its own investigation, the Board reviewed thirteen patient charts and questioned respondent concerning his care and treatment of these patients. Respondent was represented during the investigation by David J. Kenny, Esq., of the law firm of Hartsough, Kenny and Innesin. Respondent was represented at the inquiry by Thomas B. Lewis, Esq. of the firm of Stark and Stark. A review of the patient records and respondent's testimony before a Board committee on March 2, 1995 revealed that with respect to two patients respondent rendered chiropractic care for periods in excess of and at greater frequency than therapeutically warranted. With respect to both, respondent billed

thousands of dollars, ordering expensive tests and durable goods which were either not needed or insufficiently integrated into his treatment regimen. With respect to one patient respondent billed for chiropractic treatment rendered in an inappropriate setting (the front seat of an automobile) which adversely impacted on the therapeutic value of treatment. This pattern of patient care evidences violations of N.J.S.A. 45:1-21(b) and (e). With respect to all of the patient records reviewed, respondent's record keeping was found to be grossly inadequate and not in conformance with the standards set forth at N.J.A.C. 13:344E-2.2(b). Respondent contended that some of the confusion with regard to his records related to an office relocation and an adoption of an electronic format for maintaining records. With respect to the rendition of chiropractic care in his automobile, respondent maintains that he provided this as a convenience to the patient who did not have transportation to the doctor's office.

The parties being desirous of resolving this matter without necessity of formal proceedings and finding that the within Order adequately protects the public's interest;

IT IS, THEREFORE ON THIS 3rd DAY OF February 1990

ORDERED:

1. The license of Anthony DiPastina, D.C. to practice chiropractic in the State of New Jersey shall be suspended for a period of six months, the entirety of which shall be stayed. The stayed suspension will begin upon the entry of this order.

2. At the outset of the six-month period, Respondent Di

Pastina shall engage a monitor acceptable to the Board, who shall monitor his compliance with the terms of this order throughout the six-month period of stayed suspension, and whose fee is to be paid by respondent. The monitor shall retrieve 10 of respondent's charts at random on a quarterly basis and evaluate them for compliance with this order, the appropriateness of respondent's acceptance of patients, conformity with standards for record-keeping set forth at N.J.A.C. 13:344E-2.2(b), and referral of patients to appropriate other health care practitioners. The monitor shall sign a separate private letter agreement with the Board which discloses the fee and outlines his or her responsibilities, including the following: quarterly monitoring of respondent's charts on a random schedule; evaluation of the charts in accordance with this order; submission of a report to the Board within 10 days after review of the charts. Respondent shall cooperate by providing access to the charts and supplying other relevant information.

3. Respondent is hereby formally reprimanded for the violations cited and shall cease and desist from maintaining poor and inadequate chiropractic patient treatment records. In particular, respondent shall comply with N.J.A.C. 13:44E-2.2, requiring a chiropractor to maintain a contemporaneous, permanent patient record reflecting subjective and objective complaints, as well as an assessment and plan of treatment.

4. Respondent is hereby formally reprimanded for and shall cease and desist from inappropriately ordering and/or performing

diagnostic tests without establishing appropriately clinical significance or use.

5. Respondent is hereby formally reprimanded for and shall cease and desist from selling and/or using durable goods or questionable appropriateness without regard to individual need.

6. Respondent is hereby formally reprimanded for and shall cease and desist from providing treatment not therapeutically necessary and charging for these treatments.

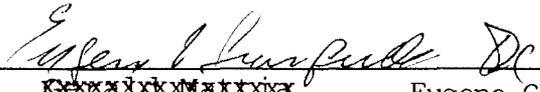
7. Respondent shall, contemporaneously with the entry of this Order, pay a penalty to the Board in the amount of Five Thousand (\$5,000) Dollars by certified check or money order made payable to the New Jersey State Board of Chiropractic, 124 Halsey Street, Newark, New Jersey 07101.

8. Respondent shall make full restitution to insurance companies for unnecessary and undocumented visits, with a report to the Board following restitution. In lieu of this provision, respondent shall send a certification to the Board that he received no reimbursement from the insurers for treating John Del Sole or Fleurette Johnson.

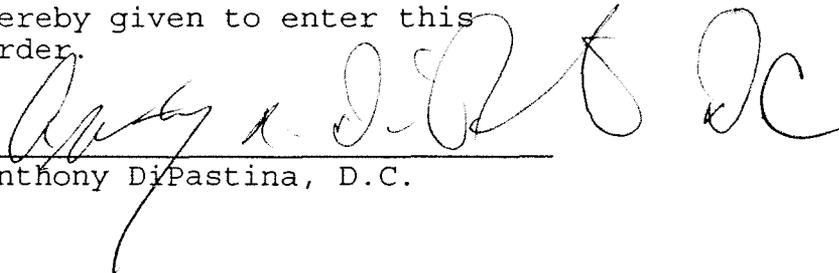
9. Respondent shall, contemporaneously with the entry of this Order, pay costs of investigation to the Board by certified check or money order in an amount totalling \$2453.88, as certified in the attached document supplied by the New Jersey Division of Consumer Affairs, Enforcement Bureau, Robert J. Starrantino, Investigating Supervisor, dated 4/10/97. The check is to be made payable to the New Jersey State Board of Examiners of

Chiropractors, 124 Halsey Street, Newark, New Jersey 07101. and
mailed to attn.: Laura Anderson, Executive Director.

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS

By: 
~~General Mattora~~ Eugene Cianciulli, D.C.
~~Board President~~ Board President

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


Anthony DiPastina, D.C.

Consent is hereby given
as to form and entry.


Thomas W. Lewis, Esq.
Stark and Stark