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MAR 17 2003

**NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS**

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

IN THE MATTER OF THE SUSPENSION :
OF THE LICENSE OF :
:
Ottavio G. Nepa, D.C. :
License No. MC 4736 :
:
:
TO PRACTICE CHIROPRACTIC :
IN THE STATE OF NEW JERSEY :

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Chiropractic Examiners (hereinafter "the Board") upon receipt of information that: Ottavio G. Nepa, D.C. (hereinafter "Respondent") had engaged in sexual contact with patient D.R., a married woman with whom he had a patient-chiropractor relationship.

Having reviewed the entire record, it appears to the Board that Respondent has admitted to board investigators in the presence of his attorney that on at least three separate occasions he did engage in oral sex with D.R. at his home, during the period of time that D.R. was an active chiropractic patient receiving care from him within a patient-chiropractor relationship.

These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(e), by virtue of violations of N.J.A.C. 13:44E-2.3(c), Sexual Misconduct. It appearing that Respondent desires to resolve this matter without recourse to formal proceedings, and for good cause shown:

IT IS ON THIS ^{17th} DAY OF *March*, 2003

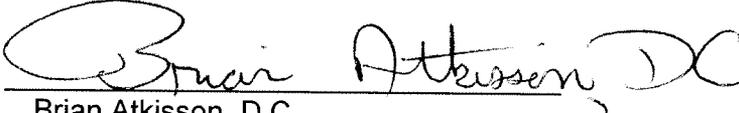
HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice chiropractic in the State of New Jersey be, and hereby is, suspended for a period of three (3) years, which suspension shall be stayed as a period of probation, provided that Respondent adheres fully and completely to the terms and conditions set forth herein and complies fully and completely with all statutes and regulations governing the practice of chiropractic during said period of probation;
2. Respondent shall fully attend and successfully complete and pass the ProBE (Professional Problem Based Ethics) course offered by: The Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, and appear before the Board prior to applying for re-admission into practice;
3. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$5,000.00 in connection with the aforesaid conduct. Payment of the civil penalty shall be submitted no later than twenty-one (21) days from the entry of this Consent Order, by certified check or money order made payable to the State of New Jersey and shall be sent to Kevin B. Earle, Executive Director, Board of Chiropractic Examiners, 124 Halsey Street, Sixth Floor, P.O. Box 45004, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25;

4. Respondent is hereby assessed the costs to the State of the investigation in this matter in the amount of \$4,539.36. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than twenty-one (21) days from the entry of this Consent Order. Payment shall be sent to Kevin B. Earle at the address described in paragraph 3; and

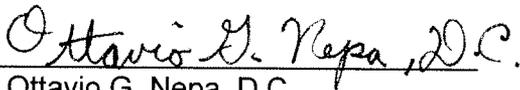
5. Failure to comply with any provisions of this Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS

By: 
Brian Atkisson, D.C.
Board President

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

Consent is hereby given to the form and entry of this Order.


Ottavio G. Nepa, D.C.


Ronald S. Fava, Esq.
Attorney for Ottavio G. Nepa, D.C.