



RICHARD J. CODEY
Acting Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Chiropractic Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102



PETER C. HARVEY
Attorney General

FILED

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**NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS**

KIMBERLY S. RICKETTS
Acting Director

Mailing Address:
P.O. Box 45004
Newark, NJ 07101
(973) 504-6395

June 3, 2005

By Certified and Regular Mail

Scott P. Huber, D.C., R.N.
438 Springfield Avenue
Berkeley Heights, NJ 07922

ORIGINAL

Re: Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Dr. Huber:

This letter is to advise you that the New Jersey State Board of Chiropractic Examiners (the "Board") has had an opportunity to review information concerning your advertising for, and performance of, allergy elimination techniques within your chiropractic practice and your associated examination and patient record keeping.

It appears from that review that you have attempted to diagnose and treat allergies using equipment and techniques which are not within the scope of chiropractic practice in New Jersey. You have engaged in advertising promoting these out-of-scope services which appeared to guarantee that these services would result in a cure for allergies. In addition, you did not perform and document an appropriate orthopedic or neurological examination of a patient you had diagnosed as suffering from allergies.

At this juncture, the Board has preliminarily concluded that probable cause exists to support a finding that you violated N.J.S.A. 45:9-14.5 and N.J.A.C. 13:44E-1.1 by offering to provide, and by providing, out-of-scope services; that probable cause exists to support a finding that you violated N.J.A.C. 13:44E-2.1 by promoting the aforesaid professional services which you should know are beyond your permitted scope of practice as a chiropractor; that probable cause exists to support a finding that you violated N.J.A.C. 13:44E-2.1 by using advertising materials in your promotion which appeared to the Board to guarantee the elimination of allergies as a result of your services; and that probable cause exists to support a finding that you violated N.J.A.C. 13:44E-2.2 by failing to record minimally required findings on appropriate examination for a patient you believed to be seeking treatment for allergies.

The above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of formal disciplinary proceedings, should you consent to:

1. cease and desist from offering or providing allergy elimination techniques as a part of your chiropractic practice;
2. the issuance of a formal reprimand;
3. pay a penalty in the amount of \$2,500.00 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter);
4. pay costs incurred by the Board in the amount of \$ 645.50; and
5. successfully complete and pass a pre-approved 12-hour course in record keeping.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General John D. Hugelmeyer, who may be reached at (973) 693-5056.

If you elect to settle this matter now you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD
CHIROPRACTIC EXAMINERS

By: Joanne Boyer
Joanne Boyer,
Acting Executive Director

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Scott Huber, D.C.
Settlement Letter

ACKNOWLEDGMENT: I, Scott P. Huber, D.C., R.N., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$2,500.00 plus costs (to be paid upon signing of this acknowledgment), and to comply with all other requirements set forth in the settlement letter.



Scott P. Huber, D.C., R.N.

Dated:

JB/vh

cc: John D. Hugelmeyer, Deputy Attorney General