



RICHARD J. CODEY  
Acting Governor

## New Jersey Office of the Attorney General

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



PETER C. HARVEY  
Attorney General

KIMBERLY S. RICKETTS  
Acting Director

By Certified and Regular Mail

May 23, 2005

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

Richard Partite, D.C.  
1 Main Street  
Suite A  
New Egypt, NJ 08533

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

Dear Dr. Partite:

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 prescription of EMS (electrical muscle stimulator) and TENS (transcutaneous electrical nerve stimulator) devices via the Internet to patients who completed a "Yes" or "No" questionnaire, but who were not seen or examined by you.

It appears from that review that you routinely prescribed the EMS and TENS units over the Internet without conducting examinations appropriate to the presenting patients and without properly identifying clinical conditions warranting chiropractic treatment. Further, you failed to maintain patient records for the patients to whom you were prescribing the EMS and TENS units which met even the minimum requirements of the Board pertaining to such records.

Although this matter had been administratively overlooked for a period of time, the Board has now preliminarily concluded that probable cause exists to support findings that you engaged in repeated acts of negligence or incompetence in violation of N.J.S.A. 45:1-21(d); that you failed to identify and document clinical conditions warranting chiropractic care, in violation of N.J.A.C. 13:44E-1.1 (a); that you failed to base chiropractic diagnoses or analyses upon chiropractic examinations appropriate to the patients, in violation of N.J.A.C. 13:44E-1.1(b); that you ordered physical modalities for the patients which were not in conjunction with chiropractic adjustments, in violation of N.J.A.C. 13:44E-1.1(c); and that you failed to prepare and maintain minimally adequate patient records, in violation of N.J.A.C. 13:44E-2.2.

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:

Page 2 of 3  
May 23, 2005  
Richard Partite, D.C.  
Settlement Letter

1. cease and desist from the aforesaid conduct;
2. the issuance of a formal reprimand; and
3. pay a penalty in the amount of \$5,000.00, comprised of \$3,000.00 for engaging in acts contrary to N.J.S.A. 45:1-21(d); and \$500.00 each for violations of N.J.A.C. 13:44E-1.1 (a); N.J.A.C. 13:44E-1.1(b); N.J.A.C. 13:44E-1.1(c) and N.J.A.C. 13:44E-2.2. (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter);

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.

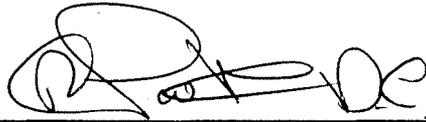
If you elect to settle this matter now you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement 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 OF  
CHIROPRACTIC EXAMINERS

By: Joanne Boyer  
Joanne Boyer,  
Acting Executive Director

Page 3 of 3  
May 23, 2005  
Richard Partite, D.C.  
Settlement Letter

ACKNOWLEDGMENT: I, Richard Partite, D.C., 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 \$5,000.00 (to be paid upon signing of this acknowledgment), and to comply with all other requirements set forth in the settlement letter.



Richard Partite, D.C.

Dated: 6-15-05

cc: John D. Hugelmeyer, Deputy Attorney General  
Steven Blader, Esq.

**FILED**  
JUN 22 2005  
NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS