



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

NOV 02 2005

**NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS**

KIMBERLY S. RICKETTS
Acting Director

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

June 2, 2005

By Certified and Regular Mail

Joshua P. Sherlock, D.C.
13 Chester Avenue
Medford, NJ 08055

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

Dear Dr. Sherlock:

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 the advertising and patient record keeping practices employed by you in your chiropractic office.

It appears from that review that you have employed a marketing technique using an edited template "report" and postcards to solicit the interest of potential patients diagnosed as having "fibromyalgia" as well as other conditions. The report and postcards reviewed contain promises of an "ultimate" treatment which will "almost overnight" start relieving fibromyalgia symptoms, and which "no other doctors have even heard about," among other claims. In addition, the postcards identify you as "Dr." without specifying that you are a chiropractor. The advertising materials also make other factual misrepresentations acknowledged in your sworn testimony before a committee of the Board.

Moreover, it appears to the Board that the patient records examined by the committee lack complete findings on examination and diagnoses which you testified that you made, and that your bills and claim forms do not accurately reflect the care which you testified was rendered to the patients and documented in the records reviewed.

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 by failing to identify yourself as a chiropractor; N.J.A.C. 13:44E-2.1 by engaging in advertising containing misleading statements, unsubstantiated claims of superiority of the services offered to those ordinarily performed by chiropractors, misrepresentation of material facts regarding the preparation of the "report," the benefits offered to patients, and the availability of the services at your office and elsewhere; and N.J.A.C. 13:44E-2.2 by failing to record all findings on examination and diagnoses made, as well as failing to accurately reflect in the billing codes the care which was being rendered as documented in the notes.

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 the aforesaid violations;
2. the issuance of a formal reprimand;
3. pay a penalty in the amount of \$1,500.00 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter) comprised of \$500.00 for violations of the advertising regulation and \$1,000.00 for failure to maintain minimally required patient records and records which accurately document the patient billing; and
4. pay costs incurred by the Board in the amount of \$ 922.50;

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.

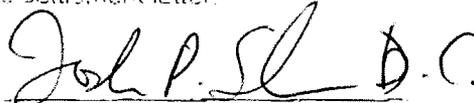
If you elect to settle this matter now you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement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

Page 3 of 3
June 2, 2005
Joshua Sherlock, D.C.
Settlement Letter

ACKNOWLEDGMENT: I, Joshua Sherlock, 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 \$1,500.00 plus costs (to be paid upon signing of this acknowledgment), and to comply with all other requirements set forth in the settlement letter.


Joshua Sherlock, D.C.

Date:

cc: John D. Hugelmeyer, Deputy Attorney General
E. Vicki Arians, Esq.