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NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

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

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

CHARLES G. NISIVOCCIA, D.C.
License No. MC4792

TO PRACTICE CHIROPRACTIC IN
THE STATE OF NEW JERSEY

:
: Administrative Action
:

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: FINAL CONSENT ORDER
:

This matter was opened to the Board of Chiropractic Examiners upon receipt of information that Respondent, Charles G. Nisivoccia, D.C., was arrested on or about July 30, 2002 and charged with the third-degree Use of a Runner, in violation of N.J.S.A. 2C:21-22.1. Respondent, having been advised of the nature of the charges against him and of his right to Grand Jury presentation to determine whether an Indictment should be returned against him, waived such right and authorized Passaic County to draw an Accusation against him. On May 1, 2003, an Accusation was entered against Respondent alleging that he, from June of 2001 to September of 2001,

paid for the referral of patients in order to assert a claim against an insurance carrier for providing services to said patients, contrary to N.J.S.A. 2C:21-22.1. Respondent appeared on that date before the Honorable Miguel de la Carrera, Superior Court of New Jersey, Passaic County, Law Division - Criminal Part, and was admitted into the Pre-Trial Intervention Program. Respondent agreed to pay \$25,000 to the Office of the Insurance Fraud Prosecutor and to perform 175 hours of community service. Thereafter, on December 5, 2003, upon application of the Pre-Trial Intervention Project, an Order was entered dismissing the Indictment against Respondent.

On June 17, 2004, Respondent appeared before the Board of Chiropractic Examiners for an Investigative Inquiry, pursuant to N.J.S.A. 45:1-18. Respondent appeared without counsel and testified under oath. Respondent denied that he paid for the referral of patients in order to assert a claim against an insurance carrier for providing services to patients from June of 2001 through September of 2001.

The Board finds that Respondent has engaged in professional misconduct by paying or offering to pay for the referral of patients, in violation of N.J.A.C. 13:44E-2.6 (formerly -2.7) and Respondent was dishonest with the Board regarding same at the Inquiry. As such, Respondent's conduct constitutes the use of dishonesty, fraud, deception and misrepresentation, in violation of N.J.S.A. 45:1-21(b) and professional misconduct, in violation of N.J.S.A. 45:1-21(e).

In lieu of further proceedings, and the Board finding the within disposition adequately protective of the public health, safety and welfare, Respondent and the

Board of Chiropractic Examiners have agreed to the form and entry of the within Order.

IT IS, therefore, on this 17th day of NOVEMBER 2005;

ORDERED AND AGREED that:

1. Respondent, Charles G. Nisovoccia, D.C.'s license to practice chiropractic in the State of New Jersey is hereby suspended for a period of five years, with a minimum of twenty-four (24) months active, commencing within thirty days of entry of this Order and subject to the paragraphs herein.

2. Respondent has thirty (30) days to wind-down his practice and refer his patients to other qualified practitioners. Respondent shall accept no new patients starting immediately. Respondent has sixty (60) days to wind-down outstanding accounts receivable matters.

3. Respondent shall not hold himself out or represent himself as a chiropractor or take any steps to renew his license, nor engage in any service within the scope of chiropractic during the period of active suspension.

4. Respondent shall deliver his original chiropractic license and his most recent biennial renewal application Mr. Kevin Earle, Executive Director, State Board of Chiropractic Examiners, P.O. Box 45004, Newark, New Jersey 07101 within thirty days of entry of this Order.

5. Respondent shall, at his own expense, take and successfully complete a Board-approved professional ethics course. Respondent shall submit information regarding the proposed course to the Executive Director for approval prior to taking the

course. Respondent shall demonstrate successful completion of said course to the Board prior to reinstatement to active practice.

6. At the conclusion of twenty-four (24) months from the date Respondent's license is received by the Board, Respondent may apply for reinstatement in writing to the Board of Chiropractic Examiners. The burden shall be on Respondent to demonstrate with evidence to the Board's satisfaction that he is fit, competent and sufficiently rehabilitated to reenter the practice of chiropractic. This shall include, but is not limited to, proof that Respondent has complied with the terms of this Order.

7. Respondent may not apply for license reinstatement if there is any sister-state disciplinary action pending against his license or any outstanding criminal action, PTI or criminal probation in effect at that time, in any state.

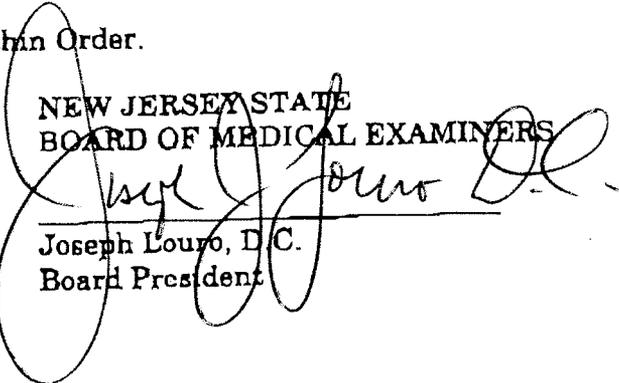
8. If the Board determines that Respondent's license shall be restored, the remainder of the suspension shall be stayed and served as probation. Respondent shall be placed on probation in accordance with such conditions and restrictions as may be determined by the Board at that time.

9. Respondent shall reimburse the amount of \$8,560.63 to the Board for costs related to this matter. Respondent is further liable for \$10,000 in civil penalties. Respondent shall deliver payment in the total amount of \$18,560.63 to the Executive Director, made payable to the State Board of Chiropractic Examiners, within thirty days of entry of this Order. Said costs shall be memorialized in a Certificate of Debt duly recorded in the State of New Jersey.

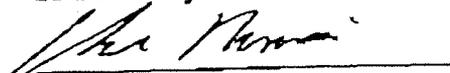
10. Respondent's license to practice shall be subject to revocation in the event that he engages in any activity falling within the scope of chiropractic during the period of active suspension or that he fails to comply with any of the requirements or conditions set forth herein or that he fails to comply with the requirements imposed upon him in any criminal proceeding, if applicable.

11. Nothing in this Order shall limit the Board from considering or taking further action against Respondent's license in the event that Respondent is convicted of any other crime or enrolled in PTI in this or in any other state subsequent to entry of this Order.

12. Respondent shall comply with the portion of the standard "Directives" of the Board pertaining to licensees who have been disciplined, a copy of which is attached hereto and made a part of the within Order.

By: 
 NEW JERSEY STATE
 BOARD OF MEDICAL EXAMINERS
 Joseph Louro, D.C.
 Board President

I have read the above terms of the within Order. I understand the terms of the Order and I agree to be bound by same.


 Charles G. Nisivoccia