

**FILED**

MAY 19 2006

NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS

ZULIMA V. FARBER  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law 5th Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

By: John D. Hugelmeyer  
Deputy Attorney General  
Tel. (973) 693-5056

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

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

:  
: Administrative Action

DAVID J. CALABRO, D.C.  
License No. MC 5747

: CONSENT ORDER  
:

TO PRACTICE CHIROPRACTIC  
IN THE STATE OF NEW JERSEY  
\_\_\_\_\_

This matter was opened to the New Jersey State Board of Chiropractic Examiners upon receipt of information which the Board has reviewed and the parties wishing to resolve this matter without formal proceedings, hereby stipulate to the following facts and conclusions of law.

FINDINGS OF FACT

1. Respondent, David J. Calabro, D.C., is a chiropractic physician in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Respondent has advertised his services as a "Board Licensed Clinical Nutritionist," thereby representing himself as a nutritional consultant, in violation of N.J.A.C. 13:44E-1.1(d). Even though Respondent may be trained in clinical nutrition, he is licensed by the Board as a chiropractor. Because licensure and certification are not the same, Respondent's advertisement is also misleading, in violation of N.J.A.C. 13:44E-2.1(c)1.

3. Respondent has acknowledged providing clinical nutrition services, separate and apart from chiropractic care, to approximately 10% of the patients of his practice. Such services are not general nutritional advice; are not being provided incidental to chiropractic care; and are in violation of N.J.A.C. 13:44E-1.1(d).

4. Respondent admits ordering laboratory tests of blood and urine to determine specific nutritional deficiencies for his clinical nutrition patients. Respondent also acknowledges discussing the reports of the testing laboratory with those patients; and re-testing his clinical nutrition patients for nutritional deficiencies following their completion of a nutrition program, all in violation of N.J.A.C. 13:44E-1.1(d).

#### CONCLUSIONS OF LAW

1. The aforesaid conduct provides grounds for the suspension of Respondent's license to practice chiropractic in New Jersey pursuant to N.J.S.A 45:1-21(e) and (h), in that Respondent's actions violated N.J.A.C. 13:44E-1.1(d) and N.J.A.C. 13:44E-2.1(c)1.

ACCORDINGLY, IT IS on this 19<sup>th</sup> day of May, 2006

ORDERED AND AGREED that:

1. Respondent's license to practice chiropractic in the State of New Jersey shall be and hereby is suspended for a period of two (2) years, which suspension shall be stayed and become a period of probation. Such stayed period of suspension shall be activated upon a showing of Respondent's non-compliance with any of the terms and conditions set forth herein.

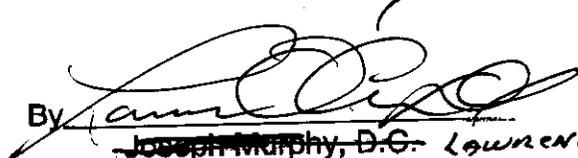
2. Respondent shall cease and desist his violations of N.J.A.C. 13:44E-1.1(d) and N.J.A.C. 13:44E-2.1(c)1.

3. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the total amount of \$4,000.00, comprised of the following: \$3,000.00 for violations of N.J.A.C. 13:44E-1.1(d); and \$1,000.00 for violation of N.J.A.C. 13:44E-2.1(c)1, as set forth above. Payment shall be by certified check or money order made payable to the State of New Jersey, and shall be sent to: Kevin B. Earle, M.P.H., Executive Director, Board of Chiropractic Examiners at 124 Halsey Street, Sixth Floor, P.O. Box 45004, Newark, New Jersey 07101, no later than ten (10) days from the entry of this Consent Order. Subsequent violations will subject Respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

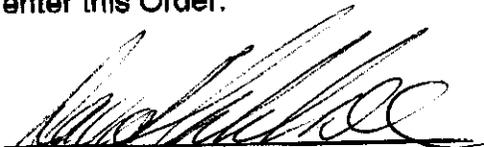
4. The Directives of the Board applicable to any Chiropractic Board licensee who is suspended, revoked or whose surrender of licensure has been accepted are incorporated by reference as though fully set forth herein, whether or not they are attached hereto..

5. Failure to comply with the provisions of paragraph #3 of this Order will result in the filing of a certificate of debt. In addition, failure to comply with any provisions of this Order may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF  
CHIROPRACTIC EXAMINERS

By   
~~Joseph Murphy, D.C.~~ Lawrence O'Connell, DC  
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.

  
David J. Calabro, D.C.

This order is hereby agreed to as to its form and entry.

  
Timothy P. O'Brien, Esq.,  
Counsel for Respondent