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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
BOARD OF CHIROPRACTIC EXAMINERS

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

Administrative Action

BRIAN L. MATSON, D.C.
License No. MC 4601 :

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 further formal proceedings, hereby stipulate to the following facts and conclusions of law.

FINDINGS OF FACT

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

2. During the month of January 2005, and on one or more prior occasions, Respondent billed for nerve conduction velocity tests that had been performed in his office and upon his patients, by an unlicensed technician employed by an electrodiagnostic testing service without appropriate supervision, in violation of N.J.A.C. 13:44E-3.7. Respondent had no training in electrodiagnostics which would enable him to appropriately supervise the testing technician, and he did not remain in the room where the testing occurred during the testing.

3. Respondent advertised and acknowledges having provided to some of his patients nutritional analyses and detoxification strategies which included his prescription and dispensing of specific nutritional supplements, in violation of N.J.A.C. 13:44E-1.1(d). Respondent has also prescribed a course of fasting and then ingesting certain substances as a specific remedy for passing gall stones, in violation of N.J.A.C. 13:44E-1.1(d).

4. Respondent has allowed spinal diagnostic ultrasound tests to be performed by a testing service in his office on some of his patients and billed by the service in violation of N.J.A.C. 13:44E-3.2(b).

5. Respondent has advertised on his website, in violation of N.J.A.C. 13:44E-2.1(c), services at his practice, including psychological services, allopathic treatment, detoxification, acupuncture, and yoga, which are beyond his ability to perform. Respondent's advertisement was misleading, in that the advertisement format suggested that the services were being offered by his practice, and failed to disclose that patients would be referred to other practitioners outside Respondent's practice for those services.

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), N.J.A.C. 13:44E-2.1(c), N.J.A.C. 13:44E-3.2(b), and N.J.A.C. 13:44E-3.7.

ACCORDINGLY, IT IS on this *15th* day of *June*, 2006

ORDERED AND AGREED that:

1. Respondent's license to practice chiropractic in the State of New Jersey be and hereby is suspended for a period of one (1) year, the first six (6) months of which will be an active suspension and the remainder of which 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 is hereby reprimanded for his violations of N.J.A.C. 13:44E-1.1(d), N.J.A.C. 13:44E-2.1(c), N.J.A.C. 13:44E-3.2(b), and N.J.A.C. 13:44E-3.7.

3. Respondent shall successfully complete and unconditionally pass the ProBE (Professional Problem Based Ethics) course offered by The Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at UMDNJ-Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903. Documentation of the full and successful completion of the course shall be provided to the Board.

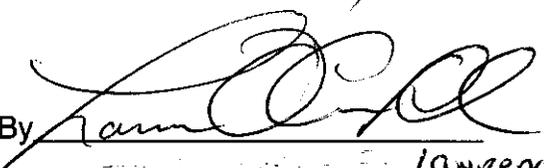
4. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the total amount of \$7,000.00, comprised of the following: \$3,000.00 for violations of the Use of testing assistant regulation, N.J.A.C. 13:44E-3.7; \$2,000.00 for violations of the Scope of practice regulation, N.J.A.C. 13:44E-1.1(d); \$1,000.00 for violations of the Recognized diagnostic tests regulation, N.J.A.C. 13:44E-3.2; and \$1,000.00 for violations of the Advertising regulation, N.J.A.C. 13:44E-2.1(c), cited herein. 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, 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.

5. Respondent shall pay costs of investigation in the amount of \$798.50, which shall be paid within ten (10) days of signing this Order. Payment shall be made in the manner set forth in paragraph #4 above and sent to Kevin B. Earle at the address described in paragraph #4;

6. 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..

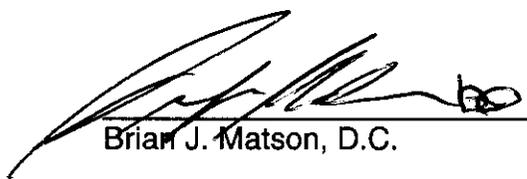
7. Failure to comply with any provisions of this Order will also result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

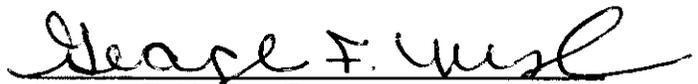
NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

By 
Lawrence O'Connor
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.

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


Brian J. Matson, D.C.


George F. Yuska, Esq.,
Counsel for Respondent