



**JON S. CORZINE**  
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



**STUART RABNER**  
Attorney General

January 9, 2007

By Certified and Regular Mail

James L. Wolf, D.C.  
New Jersey Spinal Care  
510 Hamburg Turnpike  
Suite 102  
Wayne, NJ 07470

**FILED**  
FEB 08 2007  
NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS

**STEPHEN B. NOLAN**  
Acting Director

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

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

Dear Dr. Wolf:

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 a chiropractic advertisement under your name soliciting patients with a diagnosis of fibromyalgia, and the documentation associated with your care and billing for several such patients.

It appears from that review that you employed the use of a "report" on fibromyalgia to solicit patients, which contained claims of uniqueness and superiority of your services over those of other chiropractors, implied promises of a cure, and failed to state a value for the offered "free" services which had any basis in fact. In reviewing the patient records which you submitted, including x-rays, the Board discovered your notes to be inadequate to satisfy the patient record regulation, or to support the billing; and the films to be non-diagnostic in quality and quantity (full spine lateral views were not provided to the Board for patients T.M. or K.K.). In addition, the Board noted your testimony that you failed to employ gonadal shields while irradiating C.L., a 12 year old male, multiple times.

The Board has also considered your explanations for having produced multiple versions of billings for the same dates of services to the same patients, and has concluded that the services rendered on a number of dates for each of the patients whose billing records were reviewed were not billed appropriately, and that the documentation in the patient records reviewed was inadequate to support the number or level of services billed in many instances.

At this juncture, the Board has preliminarily concluded that probable cause exists to support a finding that you violated N.J.A.C. 13:44E-2.1(c)2, 6, 9 and (g) by making claims of uniqueness and superiority of your services over those of other chiropractors, implying promises of a cure, and failing to state a value for the offered "free" services which had any basis in fact. The Board has also preliminarily concluded that probable cause exists to support a finding that you violated N.J.S.A. 45:1-21(d) and (e) by failing to employ gonadal shields while irradiating the pelvic area of a minor multiple times. In addition, the Board has preliminarily concluded that probable cause exists to support a finding that you violated N.J.A.C. 13:44E-2.11(a) by engaging in the rendering of bills and the submission of claims for services which were not documented to be needed by the patients, or performed at the levels of complexity or nature and length of service for which they were billed or claimed.

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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 total amount of \$9,000.00; comprised of \$1,500.00 for violations of the advertising regulation, \$2,500.00 for negligence associated with the x-rays of a minor, and \$5,000.00 for engaging in improper billing and claims activity (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter by certified check or money order made payable to the State of New Jersey);
4. pay costs incurred by the Board in the amount of \$ 691.33 ;
5. successfully complete and pass within one year: 12 credit hours of continuing education, pre-approved by the Board, in Examination and Record Keeping; and 12 credit hours of continuing education, pre-approved by the Board, in Radiology; and
6. 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.

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 together with any required payment at the address set forth above. 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.

James L. Wolf, D.C.  
Settlement Letter  
January 9, 2007

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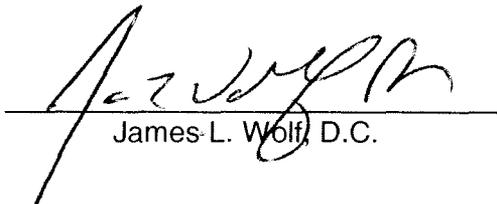
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NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS

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:   
Kevin B. Earle, M.P.H.  
Executive Director

ACKNOWLEDGMENT: I, James L. Wolf, 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 \$9,000.00 plus costs (to be paid upon signing of this acknowledgment), and to comply with all other requirements set forth in the settlement letter.

  
James L. Wolf, D.C.

Dated:

cc: John D. Hugelmeyer, Deputy Attorney General  
Vincent N. Buttaci, Esq.

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