

ORIGINAL

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FILED

APR 26 2007

**NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS**

By: John D. Hugelmeyer
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
:
JAMES V. APITO, D.C. :
License No. MC 2184 :
:
:
TO PRACTICE CHIROPRACTIC :
IN THE STATE OF NEW JERSEY :

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Chiropractic Examiners (hereinafter "the Board") upon application by James V. Apito, D.C., (hereinafter "Respondent") for reinstatement of his license to engage in the active practice of chiropractic in this State. Respondent's license to practice chiropractic was suspended by the Board on October 26, 2000, based upon his conviction of the crime of possession of a controlled dangerous substance (heroin), and his acknowledgment to the court that he was drug addicted. On December 21, 2006, Respondent appeared before the Board, together with Louis Baxter, M. D., Executive Medical Director of the Professional Assistance Program of New Jersey (PAPNJ), to provide testimony regarding his fitness to resume practice.

Having reviewed the entire record, including the testimony of Respondent and Dr. Baxter, it appears to the Board that permitting Respondent to return to the active practice of chiropractic in this State is consistent with the health, safety and welfare of the public under certain conditions. Respondent having agreed to comply with, and conform to, these conditions, and for good cause shown:

IT IS ON THIS DAY OF , 2007

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall take and pass the Special Purposes Examination in Chiropractic (SPEC) offered by the National Board of Chiropractic Examiners prior to the reinstatement of his license to engage in the active practice of chiropractic in this State;
2. Respondent shall continue his participation with the PAPNJ, and shall have at least monthly face-to-face contact with representatives from that program for the first year of his return to practice; and thereafter, Respondent shall have face-to-face contact with representatives of the PAPNJ at a frequency deemed appropriate to his duration of recovery in the sole discretion of the Medical Director of the PAPNJ;
3. Respondent shall continue as a patient of New Brunswick Counseling Center, 320 Suydam Street, New Brunswick, NJ, where he is being treated with opiate replacement maintenance. He shall comply with all program requirements until he is discharged. Respondent shall, at his own expense, submit to random urine screens under the supervision of the Clinical Director of the Counseling Center at a frequency deemed appropriate to his duration of recovery in the sole discretion of the program clinical director. The urine monitoring shall be conducted with direct witnessing of the taking of the samples. The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge.

4. Respondent shall, and hereby does, consent to the immediate notification of the Board by the PAPNJ and/or New Brunswick Counseling Center, within one working day, of any confirmed positive urine or any evidence of relapse or illegal activity of Respondent; and to a report being provided to the Board by PAPNJ and/or New Brunswick Counseling Center as soon as possible, in the event Respondent fails to comply with any aspect of the conditions of licensure specified in paragraphs 2 and 3 of this order;

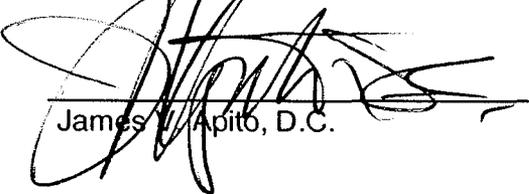
5. Respondent shall complete and submit an application for reinstatement, including being fingerprinted for a criminal background check, and pay all relevant renewal and reinstatement fees;

6. 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: 
Lawrence O'Connor, D.C.
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.


James V. Apito, D.C.