



JON S. CORZINE
Governor

ORIGINAL

973-693-5056

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Chiropractic Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102



ANNE MILGRAM
Attorney General

LAWRENCE DEMARZO
Acting Director

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

March 7, 2008

FILED

APR 15 2008

**NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS**

By Certified and Regular Mail

Stuart Warner, D.C.
Family Chiropractic
3201 Bridge Avenue
Point Pleasant, NJ 08742

RECEIVED
APR 15 2008
NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

Re: Uniform Penalty Letter In Lieu of Formal
Disciplinary Complaint

Dear Dr. Warner:

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 your care and billing for patients A.B., L.B. and M.B., who are children of the same family. In addition, the Board has reviewed an article written by you entitled "Top 7 Questions to Shift Credibility from the Pediatrician to the Chiropractor," which was available on the website of your practice.

It appears from that review that you billed CPT Code 98943 (extraspinal adjustment) in addition to CPT Code 98942 (adjustment of four to five regions of the spine) to your aforesaid patients who received occiput adjustments in addition to thoracic, lumbar, sacral and/or pelvic adjustments. The Board's review of your records disclosed 35 instances of such incorrect billing for patient A.B.; 29 instances for patient L.B.; and 37 instances for patient M.B., up to and including March 31, 2003.

In addition, the "Top 7" article referred to above was found to contain recommendations urging chiropractors to employ a misleading dialogue with the parents of minor patients for the purpose of undermining the physician-parent relationships of those parents with their children's health care providers who are not chiropractors. You have acknowledged under oath your personal engagement in the conduct advocated by the article.

Upon review of all available information, the Board has preliminarily found that you have violated N.J.A.C. 13:44E-2.11(a)3, in that it appears that you rendered bills which represented multiple charges for the same chiropractic services or care; and that you violated N.J.S.A. 45:1-21(e) by engaging in professional misconduct as determined by the Board by attempting to mislead parents of minor patients.

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 wish to avail yourself of this opportunity, you should sign the acknowledgment below and agree to the following:

1. cease and desist from engaging in unprofessional dialogue with the parents of minor patients that is intended to undermine the relationships they have with other health care providers;
2. pay a penalty in the amount of \$3,000.00 (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);
3. pay costs incurred by the Board in the amount of \$1,591.50; and
4. reimburse the sum of \$25.00 per instance of incorrect billing to patients A.B., L.B. and M.B. or their third party payer.

Alternatively you may waive your right to a hearing and submit a written statement or explanation to the Board. The Board will then consider your submission and render a final decision, which may include any

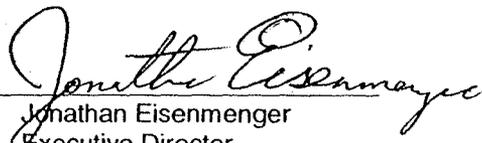
of the terms set forth above. Any disposition by way of a settlement will be a public record, and will have the same effect as an order of the Board. Any failure to comply with the terms to which you agree will be deemed a violation.

If you do not wish to settle this matter, you may request a hearing. In that event, this letter will serve as notice of the charges against you and a hearing will be scheduled before the Board. At that hearing you either personally or with the assistance of an attorney will have an opportunity to respond to the charges and submit evidence and present testimony as may be necessary in order for the Board to make a final determination concerning the charges of unlawful activity. You should be aware that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than that offered in this letter. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies, directing you to cease and desist from engaging in unlawful acts and/or requiring you to pay costs incurred in the matter.

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.

The enclosed certification should be completed and returned 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 you will be deemed in default. The allegations against you will be deemed uncontested. The Board will then proceed to schedule the matter for final review and will enter an appropriate order. Once an order has been entered, your failure to pay any penalties may result in further action to suspend or revoke your license.

NEW JERSEY STATE
BOARD OF CHIROPRACTIC EXAMINERS

By: 
Jonathan Eisenmenger
Executive Director

cc: John D. Hugelmeyer, Deputy Attorney General
Keith J. Robert, Esq.

CERTIFICATION

I, Stuart Warner, D.C., hereby acknowledge that I have read and reviewed the Board's letter dated October , 2007, regarding allegations of violations of the Board's enabling act and/or regulations.

Please check one:

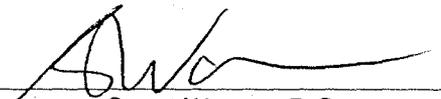
I acknowledge the conduct which has been charged and agree to:

1. cease and desist from engaging in unprofessional dialogue with the parents of minor patients that is intended to undermine the relationships they have with other health care providers;
2. pay a penalty in the amount of \$3,000.00 (to be paid upon signing of this certification),
3. pay costs incurred by the Board in the amount of \$1,591.50 (to be paid upon signing of this document);
4. reimburse the sum of \$25.00 per instance of incorrect billing to patients A.B., L.B. and M.B. or their third party payer.

I am also aware that the action taken against me by the Board here is a matter of public record, and that the Board's letter and this certification are public documents.

I hereby waive any rights I may have to a hearing in this matter in order to defend myself against any charges, but ask the Board to **consider my explanation** before rendering its final decision. I understand that the Board may order any of the terms specified in its letter and that if it does so I will be obligated to comply. I am also aware that the action taken against me by the Board herein is a matter of public record, and that the Board's letter and this certification are public documents. Failure to comply may subject me to further disciplinary action and any failure to make a required payment will result in the filing of a certificate of debt.

I request a formal administrative hearing to contest the charges specified in the UPL. I understand that I will be advised of the time, date and place for that hearing at another time. I am aware that I may be represented by an attorney and that at the time of the hearing I may submit to the Board testimony and documentation relevant to the charges. I understand that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than that herein offered in its letter and may order such other remedies as it may deem appropriate. I am also aware that this proceeding is a matter of public record and that the Board's letter and this certification are public documents.


Stuart Warner, D.C.

Dated: