

ORIGINAL

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FILED

MAY 22 2008

**NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS**

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
:
JAY M. PLOTKIN, D.C. : PROVISIONAL ORDER
License No. 38MC00376800 : OF DISCIPLINE
:
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 on which the following preliminary findings of fact and conclusions of law are made;

FINDINGS OF FACT

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

2. On or about June 27, 2006, Respondent pleaded guilty to the crime of Health Care Fraud, in violation of 18 U.S.C. § 1347,

before the Hon. David D. Dowd, Jr., a United States Senior District Judge in the Northern District of Ohio. (Copy of the Judgment in a Criminal Case is attached as "Exhibit A" hereto, and incorporated by reference herein.)

3. Respondent was sentenced on December 20, 2006 to be incarcerated for a total term of 30 days, commencing on January 8, 2007. Thereafter, Respondent shall be on supervised release for a term of 2 years. Also, Respondent was ordered to pay restitution to six insurance companies in the aggregate amount of \$67,912.91.

CONCLUSION OF LAW

1. The aforesaid conduct provides grounds for the revocation of Respondent's license to practice chiropractic in New Jersey pursuant to N.J.S.A 45:1-21(f) and (k), in that Respondent has been convicted of an offense involving moral turpitude and which relates adversely to the practice of chiropractic; and has violated an insurance fraud prevention law of another jurisdiction.

ACCORDINGLY, IT IS on this 22nd day of MAY, 2008,

ORDERED that:

1. Respondent's license to practice chiropractic in the State of New Jersey shall be, and hereby is provisionally revoked.

2. 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.

3. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to Jonathan Eisenmenger, Executive Director, State Board of Chiropractic Examiners, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor, including any reasons for mitigation of the sanctions imposed.

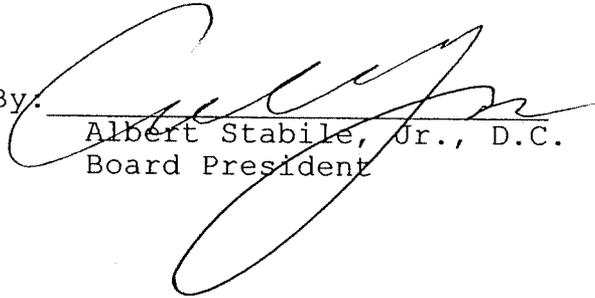
4. In the alternative, Respondent may request a hearing. The request for a hearing must be made on or before 5:00 p.m. on the 30th business day following entry hereof, and should be accompanied by any submission of legal arguments (briefs, letter responses, etc.) and, with regard to motions, any certifications which the Board should consider prior to hearing this matter.

5. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through the

submission by Respondent during the thirty-day period, or if the Board is not persuaded that submitted materials merit further consideration, a Final Order of Discipline will be entered.

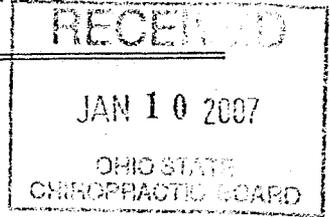
6. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding. However, the Board shall not be limited to the sanctions herein and may recoup the costs of the proceedings.

NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

By. 

Albert Stabile, Jr., D.C.
Board President

EXHIBIT A



United States District Court Northern District of Ohio

UNITED STATES OF AMERICA
v.
Jay Michael Plotkin

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:06CR00196-001

USM Number: unassigned

James Wooley and Charles Ross
Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s): 1 of the Information.

The defendant is adjudicated guilty of these offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:1347	Health Care Fraud, a Class C felony	March 2005	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and the United States Attorney of material changes in the defendant's economic circumstances.

December 13, 2006
Date of Imposition of Judgment

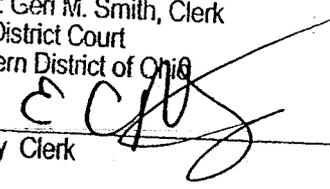
s/David D. Dowd, Jr.
Signature of Judicial Officer

DAVID D. DOWD, JR., United States Senior District Judge
Name & Title of Judicial Officer

December 20, 2006
Date

I hereby certify that this instrument, document no. 34, filed on 12/20/06 is a true and correct copy of the electronically filed original.

Attest: Geri M. Smith, Clerk
U.S. District Court
Northern District of Ohio

By: 
Deputy Clerk

AO 245B (Rev. 6/05) Sheet 2 - Imprisonment

CASE NUMBER: 1:06CR00196-001
DEFENDANT: Jay Michael Plotkin

Judgment - Page 2 of 6

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 30 days.

- The court makes the following recommendations to the Bureau of Prisons:
- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district.
 - at ___ on ___.
 - as notified by the United States Marshal.
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
 - before 2:00 p.m. on January 8, 2007.
 - as notified by the United States Marshal.
 - as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

AO 245B (Rev. 6/05) Sheet 3 - Supervised Release

CASE NUMBER: 1:06CR00196-001
DEFENDANT: Jay Michael Plotkin

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 2 Years.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.

The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- ~~3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;~~
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

CASE NUMBER: 1:06CR00196-001
DEFENDANT: Jay Michael Plotkin

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SPECIAL CONDITIONS OF SUPERVISED RELEASE

The defendant shall participate in a Home Confinement Program with electronic monitoring for a period of 5 months, to commence no later than 30 calendar days from release from confinement. The defendant required to remain at residence unless given written permission to be elsewhere. The defendant may leave his residence to work, to receive medical treatment and to attend religious services. The defendant shall wear an electronic monitoring device, follow electronic monitoring procedures, and submit to random drug/alcohol tests as specified by the probation officer. The defendant may participate in the Earned Leave Program. Further, the defendant will be required to pay for the daily cost of electronic monitoring services.

The defendant shall participate in a substance abuse treatment program, either inpatient or outpatient, at the direction of the probation officer, which may include testing to determine if the defendant has reverted to substance abuse.

The defendant shall be prohibited from incurring any new credit or establishing any additional lines of credit without approval of the probation officer.

The defendant shall provide the probation officer access to all requested financial information.

The defendant shall submit his/her person, residence, place of business, computer, or vehicle to a warrantless search, conducted and controlled by the U.S. Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall inform any other residents that the premises may be subject to a search pursuant to this condition.

AO 245B (Rev. 6/05) Sheet 5 - Criminal Monetary Penalties

CASE NUMBER: 1:06CR00196-001
 DEFENDANT: Jay Michael Plotkin

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 100.00	\$	\$ 67,912.91

- The determination of restitution is deferred until __. An amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment unless specified otherwise in the priority order of percentage payment column below. However, pursuant to 18 U.S.C. § 3664(l), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>*Total Loss</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
State Farm Insurance C/O Patrick Vickery 25001 Emery Road Suite 250 Warrensville Heights, Ohio 44128		\$50,723.82	
USAA Farmers		\$1,739.00 \$3,500.00	
Safeco Insurance C/O Ralph Franks National Insurance Crime Bureau PO Box 383 Burton, Ohio 44021		\$2,452.69	
Anthem Blue Cross and Blue Shield 4361 Irwin Simpson Mail Location OH 0101-CC225 Mason, Ohio 44404		\$7,307.51	
UnitedHealth Group C/O Donald Olson, GCA Manager MN002.025 12125 Technology drive Eden Prairie, MN 55344		\$2,189.89	
TOTALS:		\$ 67,912.91	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

AO 245B (Rev. 6/03) Sheet 6 - Criminal Monetary Penalties

CASE NUMBER: 1:06CR00196-001
DEFENDANT: Jay Michael Plotkin

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ due immediately, balance due
 - not later than or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C D, or F below); or
- C Payment in equal installments of \$ over a period of , to commence days after the date of this judgment; or
- D Payment in equal installments of \$ over a period of , to commence days after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The Court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
 - A special assessment of \$100.00 is due in full immediately as to Count I.
PAYMENT IS TO BE MADE PAYABLE AND SENT TO THE CLERK, U.S. DISTRICT COURT
 - After the defendant is release from imprisonment, and within 30 days of the commencement of the term of supervised release, the probation officer shall recommend a revised payment schedule to the Court to satisfy any unpaid balance of the restitution. The Court will enter an order establishing a schedule of payments.

~~Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of the Court.~~

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several (Defendant name, Case Number, Total Amount, Joint and Several Amount and corresponding payee):
- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment; (2) restitution principal; (3) restitution interest; (4) fine principal; (5) fine interest; (6) community restitution; (7) penalties; and (8) costs, including cost of prosecution and court costs.