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**FILED**

APR 23 2009

**NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF CHIROPRACTIC EXAMINERS

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

Administrative Action

SAMUEL SBARRA, D.C. :  
License No. 38MC00337900 :

FINAL ORDER  
OF DISCIPLINE

TO PRACTICE CHIROPRACTIC :  
IN THE STATE OF NEW JERSEY :

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On January 21, 2009, the New Jersey State Board of Chiropractic Examiners issued a Provisional Order of Discipline against Samuel Sbarra, D.C. ("Dr. Sbarra" or "respondent"). That order cited Dr. Sbarra's September 2007 conviction of attempted theft by deception in the third degree and the conduct underlying that conviction as a basis for discipline. The Provisional Order proposed sanctions including a two year suspension, six months to be served as an active suspension, a civil penalty of \$500, and completion of an ethics course. The order further provided that Dr. Sbarra must appear before the Board prior to reinstatement of his license and reserved to the Board the right to place restrictions on his license should he be reinstated. The order gave respondent the opportunity to seek modification or dismissal of the provisional findings of fact and conclusions of law through written submissions. The Board would then determine whether a hearing was necessary.

Dr. Sbarra, by the March 5, 2009 letter of William Strazza, Esq., urged the Board to dismiss or modify the provisional order. While acknowledging the conviction and conduct (falsely submitting claims for chiropractic treatment that was not rendered), respondent claimed in mitigation that he was fully cooperative with the Insurance Fraud Prosecutor's investigation and that

stressful events in his life at the time of his conduct caused the aberrant behavior. He claimed to be remorseful, asserted that a suspension would present an extraordinary hardship for his family, and asked the Board for an evidentiary hearing on his request.

The deputy attorney general prosecuting the matter responded by letter dated March 16, 2009. The deputy noted that respondent had not denied the basis for the provisional order and further asserted that the sanctions in that order were "abundantly justified, perhaps lenient by comparison to the length of active suspensions ordered in most cases that involve deliberate or purposeful fraud...."

The Board has fully reviewed the record here and is satisfied the provisional sanction reflected an appropriate, if lenient, disposition. Fraud hurts everyone. Dr. Sbarra abused his position as a respected professional in the community, damaging the integrity of the profession. That he was in a stressful period in his life does not excuse his calculated acts in attempting to secure payment for treatment not provided to an undercover investigator. His conduct warrants a lengthy suspension, including the six months active suspension. Nothing in his submission has persuaded the Board that it should modify its provisional findings of fact or conclusions of law. The Board will finalize the provisional order without modification:

#### FINDINGS OF FACT

1. Respondent, Samuel Sbarra, 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 September 26, 2007, respondent pleaded guilty in the Superior Court of New Jersey, Essex County, to the crime of attempted theft by deception in the third degree, in violation of N.J.S.A. 2C:5-1 and N.J.S.A. 2C:20-4, by falsely submitting a claim to the Chubb Insurance Company for \$1,844.00 for 18 dates of chiropractic services which he did not provide.

3. On or about March 27, 2008, respondent was sentenced by the Hon. Donald J. Volkert, Jr., J.S.C., to probation for one year and to serve 25 hours of community service.

CONCLUSIONS OF LAW

1. The aforesaid conduct provides grounds for the suspension or revocation of respondent's license to practice chiropractic in New Jersey pursuant to N.J.S.A 45:1-21(e) and (f), in that respondent has engaged in professional misconduct as determined by the Board, and has been convicted of a crime involving moral turpitude and which relates adversely to the practice of chiropractic.

ACCORDINGLY, IT IS on this 23<sup>rd</sup> day of April, 2009

ORDERED that:

1. Respondent's license to practice chiropractic in the State of New Jersey shall be suspended for a period of two (2) years, except that the initial six (6) month period shall be an active suspension and the remaining eighteen (18) month period of said suspension 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. The running of the period of active suspension shall be tolled by respondent's practice of chiropractic in any other State or jurisdiction.

2. During the period of active suspension, respondent shall fully attend, 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, and provide documentation of same to the Board.

3. Respondent shall cease and desist from submitting false claims for payment and shall completely and successfully fulfill all of the requirements of his probation and criminal sentence.

4. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the total amount of \$500.00. Payment shall be by certified check or money order made payable to the State of New Jersey, and shall be sent to: Jonathan Eisenmenger, 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. Prior to resuming any practice in New Jersey, respondent shall be required to appear before the Board (or a committee thereof) to demonstrate his fitness to do so; and any practice in this State prior to said appearance shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on respondent's practice should his license be reinstated.

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.

NEW JERSEY STATE BOARD OF  
CHIROPRACTIC EXAMINERS

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