

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law 5th Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

**RECEIVED**  
FEB 17 2010  
NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS

**FILED**  
FEB 23 2010  
NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS

By: John D. Hugelmeyer  
Deputy Attorney General  
Tel. (973) 648-3453

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 :  
:  
MICHELLE A. McELLEN, D.C. :  
License No. 38MC00649700 :  
:  
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 upon receipt of information which the Board has reviewed and the parties wishing to resolve this matter without further formal proceedings, hereby stipulate to the following facts and conclusions of law.

FINDINGS OF FACT

1. Respondent, Michelle A. McEllen, D.C., is a chiropractic physician in the State of New Jersey and has been a licensee at all times relevant hereto.
2. Respondent met C.L., a local business person, at meetings of a local business networking group in August 2006, and commenced a friendship with him. Respondent began a

chiropractor-patient relationship with C.L. on or about October 18, 2006, by rendering chiropractic care to him as a cash patient.

3. The chiropractor-patient relationship between Respondent and C.L. was ongoing when, beginning in approximately September 2007, a personal relationship began between Respondent and C.L., away from her office. A year-long relationship followed, during which Respondent continued to render chiropractic care to C.L.

4. On October 22, 2008, Respondent documented the termination of professional services to C.L. in his patient record.

5. In February 2009, Respondent found it necessary to seek and obtain a restraining order against C.L. out of concern for her personal safety.

6. Respondent denies having similar personal relationships with any other persons to whom she renders chiropractic care. Her testimony before a committee of the Board was credible and forthright, and she has acknowledged under oath that, in hindsight, her dual relationship with C.L. was inappropriate and improper under the circumstances existing at the time.

#### CONCLUSIONS OF LAW

1. The aforesaid findings of fact provide grounds, pursuant to N.J.S.A 45:1-21(e) and (h), for disciplinary action.

2. The aforesaid findings of fact provide grounds, pursuant to N.J.S.A 45:1-22(c), for the Board to order Respondent to cease and desist from engaging in any further conduct that would violate N.J.A.C. 13:44E-2.3(c).

3. The aforesaid findings of fact provide grounds for the Board to order Respondent to pay the costs associated with the investigation of this matter, pursuant to N.J.S.A 45:1-25(d), in that Respondent's conduct violated N.J.A.C. 13:44E-2.3(c).

4. The aforesaid findings of fact provide grounds for the Board to order Respondent to take and unconditionally pass educational training determined by the Board to be necessary as a condition for her continued licensure to practice chiropractic in New Jersey, pursuant to N.J.S.A. 45:1-22(g).

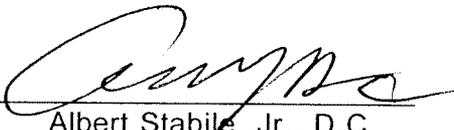
ACCORDINGLY, IT IS on this 22<sup>nd</sup> day of February, 2010

ORDERED AND AGREED that:

1. Respondent shall cease and desist from any violation of N.J.A.C. 13:44E-2.3(c);
2. Respondent is hereby assessed costs, pursuant to N.J.S.A. 45:1-25(d), in the amount of \$154.83. 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 thirty (30) 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.
3. As a condition for her continued licensure to practice chiropractic in New Jersey, Respondent shall at her own expense and within six (6) months of the issuance of this Order, take 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, to address professional ethics and boundaries. Respondent shall provide documentation of the full and successful completion of the course to the Board.

4. Failure to comply with any provisions of this Order or remit any and all payments required by this Order will also result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

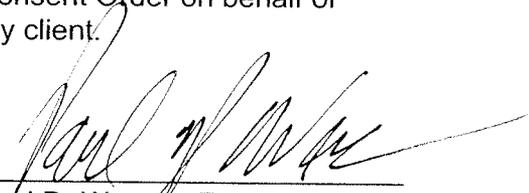
NEW JERSEY STATE BOARD OF  
CHIROPRACTIC EXAMINERS

By   
Albert Stabile, Jr., 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.

  
Michelle A. McEllen, D.C.

I hereby agree to the form and entry of the within Consent Order on behalf of my client.

  
Paul D. Werner, Esq.  
Attorney for Respondent