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FILED

SEP 13 2010

**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

WAYNE CREYAUFMILLER, D.C. :
License No. 38MC00611200 :

PROVISIONAL ORDER
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, Wayne Creyaufmiller, 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 October 12, 2009, Respondent entered into a Consent Order in which he agreed to pay a civil administrative penalty in the amount of \$7,500.00 to the Department of Banking and Insurance through the Office of the Insurance Fraud Prosecutor, admitting therein that

he had knowingly presented false and misleading information to New Jersey Manufacturers Insurance Company by billing for services not rendered, and by falsifying the medical records, which constituted a violation of N.J.S.A. 17:33A-1 et seq. (Copy of the Consent Order annexed hereto as "Exhibit A" and made a part hereof)

CONCLUSIONS OF LAW

1. The above Consent Order provides grounds for the suspension of Respondent's license to practice chiropractic in New Jersey pursuant to N.J.S.A 45:1-21(k), in that Respondent has violated N.J.S.A. 17:33A-1 et seq., and is the subject of a final order in administrative proceedings that imposes a civil penalty against him under that act.

2. The conduct underlying Respondent's violation of N.J.S.A. 17:33A-1 et seq. also 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), in that Respondent has engaged in professional misconduct as determined by the Board.

ACCORDINGLY, IT IS on this 13th day of September, 2010,

ORDERED that:

1. Respondent's license to practice chiropractic in the State of New Jersey be, and hereby is provisionally suspended for a period of one (1) year; except that the initial six (6) month period shall be an active suspension and the remaining six (6) month period of said suspension shall be stayed, and become a period of probation. The 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. During the period of active suspension, Respondent shall cease and desist all practice of chiropractic. Any such practice will be deemed the unlicensed practice of chiropractic.

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. Prior to resuming active practice in New Jersey, Respondent shall be required to appear before the Board (or a committee thereof) to demonstrate fitness to resume practice. Any practice in this State prior to formal reinstatement of license by the Board 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.

4. 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, P.O. Box 45005, 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. 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.

5. 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 proceedings. Furthermore, in the event a hearing is held and/or upon further review of the record, the Board shall not be limited to the findings, conclusions and sanctions contained herein and may recoup the costs of the proceedings.

NEW JERSEY STATE BOARD
OF CHIROPRACTIC EXAMINERS

By: 
Michael B. Krouse, D.C.
Board President

EXHIBIT A

State of New Jersey
DEPARTMENT OF LAW & PUBLIC SAFETY
OFFICE OF THE INSURANCE FRAUD PROSECUTOR



CONSENT ORDER NO. 07-24254-24

In the Matter of)
Wayne Creyaufmiller, D.C.)
318 West Graisbury Avenue)
Audubon, New Jersey 08106)
Respondent.)

CONSENT ORDER

This matter having been opened to the Office of the Insurance Fraud Prosecutor of the State of New Jersey, upon information indicating that Respondent, Wayne Creyaufmiller, D.C., currently residing at 318 West Graisbury Avenue, Audubon, New Jersey 08106, and having a date of birth of March 29, 1971, may have violated the provisions of *N.J.S.A. 17:33A-4*; and

WHEREAS, Respondent, Wayne Creyaufmiller, D.C., did knowingly present false and misleading information to New Jersey Manufacturers by billing for services not rendered, and falsifying the medical records; and

WHEREAS, the above conduct constitutes a violation of *N.J.S.A. 17:33A-1, et seq.*, and any future violation of *N.J.S.A. 17:33A-1, et seq.* shall be considered to be a second offense; and

WHEREAS, Respondent, Wayne Creyaufmiller, D.C., has been informed that he has a right to have this claim adjudicated in Superior Court in accordance with *N.J.S.A. 17:33A-5*, on the violation alleged herein before a civil administrative penalty is imposed; and should he be found to have violated the Fraud Act, the court shall also award court costs and reasonable attorney fees to the State; and

WHEREAS, Respondent, Wayne Creyaufmiller, D.C., understands these rights and has voluntarily waived the right to notice and to a formal legal proceeding in this matter; and

WHEREAS, Respondent, Wayne Creyaufmiller, D.C., consents to pay a civil administrative penalty in the amount of \$7,500.00, due immediately by certified check, bank check or money order made payable to the "Commissioner, Department of Banking and Insurance." This signed order and the payment of the civil administrative penalty shall be returned to Assistant Attorney General Louise Lester at P.O. Box 094, Trenton, New Jersey 08625; and

WHEREAS, the penalties of this Consent Order are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and the protection of the public health, safety and welfare, and are not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding; and

IT FURTHER APPEARING that the matter is suitable for resolution upon the consent of the parties and that Respondent and the Insurance Fraud Prosecutor desire to terminate this matter without further hearing or litigation, and for further good cause appearing;

NOW, THEREFORE, IT IS ON THIS 21st day of October, 2009,

ORDERED AND AGREED as follows:

1. A civil administrative penalty of \$7,500.00 is imposed on Respondent, Wayne Creyaufmiller, D.C..
2. Respondent, Wayne Creyaufmiller, D.C., consents to the entry of this final administrative order. Respondent understands that this final administrative order may be docketed with the Clerk of the Superior Court as provided in the Penalty Enforcement Law (*N.J.S.A. 2A:58-10 et seq.*).
3. This Consent Order may be used against Respondent in any civil or administrative proceeding related to a violation of *N.J.S.A. 17:33A-1 et seq.*, including a license suspension or revocation proceeding.
4. Pursuant to *N.J.S.A. 17:33A-10c*, a copy of this Consent Order shall be provided to the appropriate licensing authority.

RIZA DAGLI
ACTING INSURANCE FRAUD PROSECUTOR

By:

Louise T. Lester
Louise Lester, Assistant Attorney General
Office of the Insurance Fraud Prosecutor

CONSENTED TO AS TO FORM, CONTENT
AND ENTRY OF ORDER:

Wayne Creyaufmiller
Wayne Creyaufmiller, D.C. Respondent

Dated: 10/12/09

Margaret Garris
Witness/Margaret Garris, Investigator

Dated: 10/16/09

ADDENDUM TO CONSENT ORDER NO.07-24254-24

INSTALLMENT PAYMENT AGREEMENT

1. Upon execution of the Consent Order, Respondent, Wayne Creyaufmiller, DC, shall pay the amount of \$7,500.00 via an initial payment of \$100.00 followed by 60 monthly installment payments in the amount of \$123.33 commencing on November 16, 2009. These payments shall be by certified check, bank check or money order made payable to the Commissioner, Department of Banking and Insurance.

2. This signed order and initial payment are to be returned to Assistant Attorney General Louise Lester at P.O. Box 094, Trenton, New Jersey 08625. All future installment payments are due by the sixteenth of each month and shall be mailed to: Commissioner, New Jersey Department of Banking and Insurance, P.O. Box 324, Trenton, NJ 08625. Consent Order No. 07-24252-24 shall be entered on all checks, money orders and communications.

3. If the payment is not received by the Commissioner within ten (10) days of the date the payment is due, the entire amount of \$7,500.00 imposed, less any payments theretofore made, is immediately due and owing, and the Commissioner may take such steps as he deems appropriate to collect the amount of the civil penalty, imposed by the Consent Order, plus interest, cost of collection and attorneys fees, which Respondent hereby agrees to pay. The Commissioner may refer the matter to the Department of Law and Public Safety to commence collection proceedings.

RIZA DAGLI
ACTING INSURANCE FRAUD PROSECUTOR

By: *Louise T. Lester*
Louise Lester, Assistant Attorney General
Office of the Insurance Fraud Prosecutor

Dated: 10/12/09

Wayne Creyaufmiller
Wayne Creyaufmiller, DC, Respondent

Dated: 10/12/09

Joseph S. Caruso, Esq.
Witness: Joseph S. Caruso, Esq.

Dated: 10/12/09