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Newark, New Jersey 07101

**FILED**

DEC 16 2010

**NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS**

By: John D. Hugelmeyer  
Deputy Attorney General  
Tel. (973) 648-3454

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

Philip B. Crane, D.C. :  
License No. 38MC00477800 :

CONSENT ORDER

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 the parties wishing to resolve this matter without further formal proceedings, hereby stipulate to the following facts:

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

2. On August 5, 2009, and again on August 8, 2009, Respondent rendered care to patient D.V. in space rented within a dental office located at 1044 Lacey Road, Forked River, N.J. Respondent's chiropractic examination of D.V. consisted primarily of applied kinesiology muscle testing. The care provided by Respondent included manual massage of the facia of the pectoral

minor muscles across D.V.'s breasts using his hands. The patient's treatment required that she remove her clothing above the waist; however, she was not offered a gown.

3. Respondent's travel card documenting the visits of patient D.V. lacked a care plan, a notation of changes, if any, in the patient's condition, and a full description of the care rendered on each visit; thereby failing to meet the minimum regulatory requirements for documentation of care.

4. On February 4, 2010, Respondent rendered care to a state investigator posing as a patient in space rented within a dental office located at 1044 Lacey Road, Forked River, N.J. Respondent examined the investigator using muscle testing of her extremities and using his fingers to touch the upper portions of her breasts. Respondent also felt the investigator's lower abdomen and supra pubic area. He advised her that her bladder, urethra and uterus were not in alignment, and applied heavy pressure using his hands over the lower abdomen and supra pubic area to correct the purported misalignment. Respondent also adjusted the cranial bones of the investigator and advised her that she had TMJ. Finally, Respondent applied a hard, rubbing, circular movement to the investigator's left anterior shoulder/clavicle area for approximately one minute, instructing her to imagine that he was performing a chiropractic cervical adjustment. (The investigator had declined a cervical adjustment.)

5. When she stood up from the treatment table, Respondent, on his own initiative, hugged the investigator for 2-3 seconds.

6. Respondent's travel card documenting the visit of the undercover investigator lacked a care plan and a full description of the care rendered, thereby failing to meet the minimum regulatory requirements for the documentation of care.

7. In sworn testimony given before the Preliminary Investigation Committee of the Board on August 19, 2010, Respondent identified his complete patient records (two pages each) for patients D.V. and the undercover investigator.

These findings establish a basis for disciplinary action pursuant to N.J.A.C. 13:44E-2.2(a), N.J.S.A. 45:1-21(h), and N.J.S.A. 45:1-21(e). It appearing, however, that Respondent desires to resolve this matter voluntarily, without admissions and without recourse to formal proceedings; and for good cause shown;

ACCORDINGLY, IT IS on this 16<sup>th</sup> day of December, 2010

ORDERED AND AGREED that:

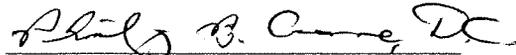
1. Respondent is hereby reprimanded for failure to create and maintain minimally adequate contemporaneous patient records for patients D.V. and the undercover investigator.
2. Respondent shall successfully complete and pass a 12 credit hour course pre-approved by the Board in record keeping, of which only 2 credit hours may be applied to Respondent's continuing education requirements.
3. Respondent shall successfully complete and pass a 12 credit hour course pre-approved by the Board in case management, which shall include suitable protocols for the protection of patient privacy.
4. Respondent shall pay a civil monetary penalty pursuant to N.J.S.A. 45:1-22 in the amount of \$500.00 for failure to create and maintain adequate contemporaneous patient records for patients D.V. and the undercover investigator. 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 within ten (10) days of the issuance of this Order.
5. Respondent shall pay investigative costs incurred by the Board in the amount of \$7,632.94. Payment shall be made as specified in paragraph 4 within thirty (30) days of the issuance of this Order.

6. Failure to comply with any provisions of this Order or remit any and all payments required by this Order will 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 \_\_\_\_\_  
Michael B. Krouse, 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.

  
\_\_\_\_\_  
Philip B. Crane, D.C.

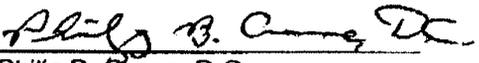
Dated: 11/28/10

6. Failure to comply with any provisions of this Order or remit any and all payments required by this Order will 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   
Michael B. Krouse, 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.

  
Philip B. Crane, D.C.

Dated: 11/28/10