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FILED

OCT 25 2011

**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 LICENSE OF :
:
:
JEFFREY M. DAVIS, D.C. :
License No. 38MC00152300 :
:
TO PRACTICE CHIROPRACTIC :
IN THE STATE OF NEW JERSEY :

Administrative Action

CONSENT ORDER
OF REINSTATEMENT

This matter was opened to the New Jersey State Board of Chiropractic Examiners (hereinafter "the Board") upon the application of Jeffrey M. Davis, D.C. (hereinafter "Respondent") for reinstatement of his license to practice chiropractic, which the Board has reviewed; and the parties, wishing to resolve this matter without further formal proceedings, hereby stipulate to the following facts.

FINDINGS OF FACT

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

2. On or about August 25, 2011, Respondent applied for the reinstatement of his license to practice chiropractic in New Jersey, which he had surrendered by consent on January 31, 2011, pending provision to the Board of all requested documents and information related to his treatment and therapy for substance abuse, and pending his demonstration to the Board of his fitness to return to practice.

3. On or about March 11, 2011, then counsel for Respondent provided documents related to his treatment and therapy for substance abuse as requested by the Board.

4. By letter dated July 18, 2011, the Professional Assistance Program of New Jersey (hereinafter "PAPNJ") recommended to the Board that Respondent be permitted to return to the practice of chiropractic, provided that his current monitoring plan remains in place. PAPNJ promised to notify the Board immediately of any relapse or non-compliance with the plan. (Letter attached hereto and incorporated herein as "Exhibit A").

Having reviewed the entire record, including the recommendations of the PAPNJ, it appears to the Board that Respondent's license may be reinstated consistent with the public health, safety and welfare, with certain conditions. Respondent having agreed to said conditions being placed upon the reinstatement of his license, and for good cause shown:

IT IS on this ~~10~~^{25th} day of October, 2011

ORDERED AND AGREED that:

1. Respondent shall be reinstated to the active practice of chiropractic, so long as he remains in compliance with this Order in all of its particulars. The parties hereby stipulate that should Respondent relapse, or otherwise be reliably shown in the sole discretion of the Board to have failed to maintain compliance with any provision of this Order, his license shall immediately be suspended without hearing for a period of not less than three (3) years.

2. Respondent shall have the right to apply for relief from the order of immediate active suspension of his license pursuant to paragraph 1 of this Order on ten (10) days notice to the Board and to the Attorney General. The Board may hold a hearing on the application either before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be subject to ratification by the full Board at its next scheduled meeting. In any hearing seeking relief from the order of immediate active suspension, a confirmed positive urine test shall be presumed valid.

3. Respondent shall, at his own expense, submit to random urine screens a minimum of two times per week under the supervision of PAPNJ. The urine monitoring shall be conducted with direct witnessing of the taking of the samples. The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge. All test results shall be provided to Jonathan Eisenmenger, Executive Director of the Board, or his designee in the event he is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing. Any failure by Respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test.

4. Respondent consents to the immediate notification of the Board by the PAPNJ, within one working day, of any confirmed positive urine or any evidence of relapse or illegal activity of Respondent; and to a report being provided to the Board by PAPNJ as soon as possible in the event Respondent fails to comply with any aspect of the conditions of licensure specified in this Order.

5. In the event Respondent will be out of the State for any reason, the Board shall be so advised, so that arrangements may be made at the Board's discretion for alternate testing.

6. Respondent shall familiarize himself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

7. Respondent shall absolutely abstain from the use of alcohol and all controlled substances and prescription medications, unless specifically prescribed by a treating physician or dentist who has been informed of Respondent's chemical dependency history, for a legitimate medical or dental purpose and in the usual course of the treating physician or dentist's medical or dental practice. If any medication is taken upon prescription or dispensing by a physician or dentist, Respondent shall so notify the PAPNJ of that fact on the following business day or before the next urine sample is submitted, whichever is sooner, and shall cause the treating physician or dentist to transmit the records of treatment of Respondent immediately to the PAPNJ. Respondent shall not possess any controlled dangerous substances, except pursuant to a *bona fide* prescription written by a physician or dentist for good medical or dental cause.

8. Respondent shall attend support group meetings not less than six (6) times weekly for the first year of his return to practice, and thereafter at a frequency deemed appropriate to his duration of recovery in the sole discretion of the Medical Director of the PAPNJ.

9. Respondent shall maintain face to face follow up contact with a clinical member of the PAPNJ staff on a regular basis.

10. Respondent shall maintain regular participation in aftercare at Hazelden New York.

11. Respondent shall, at his own expense, continue under the care of therapist Shems Prinzivalli or other therapy provider approved by the Board.

12. Respondent shall abide by the recommendations of the PAPNJ concerning his health and ongoing recovery. Respondent agrees to the release of quarterly status reports to the Board on his continued compliance with his treatment plan and waives his right of confidentiality therein for the purpose of any proceeding relating to his license to practice chiropractic. The waiver shall terminate upon the entry of a further Order of the Board prospectively ending the monitoring requirement, except as to the use of that information already provided to the Board. Respondent shall be responsible for the payment of all costs associated with the services performed for him by PAPNJ and any referred psychologist or counselor.

13. The parties hereby stipulate that entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from Respondent's conduct.

14. The Directives of the Board applicable to any Chiropractic Board licensee 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

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.



Jeffrey M. Davis, D.C.

11. Respondent shall, at his own expense, continue under the care of therapist Shems Prinzivalli or other therapy provider approved by the Board.

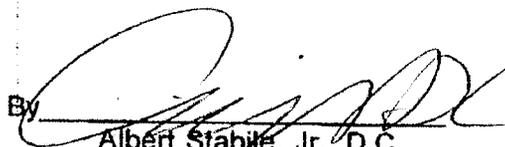
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NEW JERSEY STATE BOARD OF
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Albert Stabile, Jr., D.C.
Board President

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enter this Order.



Jeffrey M. Davis, D.C.

EXHIBIT A



PROFESSIONAL ASSISTANCE PROGRAM
OF NEW JERSEY
742 ALEXANDER ROAD, POST OFFICE BOX 8568
PRINCETON, NEW JERSEY 08540-8568
Tel: 609 919-1660; Fax: 609 919-1611

VIA TELEFAX
973-273-8075

18 July 2011

Mr. Jonathan Eisenmenger
Executive Director
State Board of Chiropractic Examiners
PO Box 45005
Newark, NJ 07101

RE: JEFFREY DAVIS, DC

Dear Mr. Eisenmenger:

As a follow-up to my previous letters to you dated 31 March 2011 and 27 April 2011 regarding Dr. Davis, I am writing to report that he continues to remain compliant with his monitoring plan with the Professional Assistance Program of New Jersey (PAP).

All monitoring requirements remain the same including ~~twice weekly urine~~ monitoring, the results of which have been negative for the presence of psychoactive substances, participation in ~~aftercare at Hazelden~~, and attendance at support group meetings ~~six (6) times per week~~. He continues under the care of his ~~therapist~~, Shems Prinzivalli. He is seen for ~~face to face~~ follow-up by a clinical member of the PAP staff on a ~~regular basis~~.

On July 15th, we forwarded, by fax, all pertinent reports to you from Hazelden Minnesota, Hazelden New York and an updated report from Shems Prinzivalli for your review.

PROHIBITION ON REDISCLOSURE Sec. 2.32, Prohibition on Redisclosure: This information has been disclosed to you from records protected by Federal confidentiality rules (42 CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

Mr. Eisenmenger
 Page Two
 18 July 2011

We believe with his current monitoring plan in place, the public will be adequately protected. We support Dr. Davis' return to practice. We will provide the Board with immediate notification of any relapse or non-compliance.

Very truly yours,



Louis E. Baxter, Sr., MD, FASAM
 Executive Medical Director
 Immediate Past President, American Society of Addiction Medicine
 Director, National Association of Drug Court Professionals

LEB:rqt

**DIRECTIVES APPLICABLE TO ANY CHIROPRACTIC BOARD LICENSEE
WHO IS SUSPENDED, REVOKED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board, shall conduct him/herself as follows:

1. Document Return and Agency Notification

The licensee shall promptly deliver to the Board office at 124 Halsey Street, 6th floor, Newark, New Jersey 07102, the original license and current biennial registration certificate. With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board.

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of chiropractic in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by the practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories,

professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted.

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). Such divestiture shall occur within 90 days following the disqualification to own shares in the corporation. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Patient Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

A disciplined practitioner whose active suspension of license has been stayed in full or in part, conditioned upon compliance with a probation or monitoring program, shall fully cooperate with the Board or its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a.) Monitoring of practice conditions may include, but is not limited to, inspection of professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with Board Order and accepted standards of practice.

(b.) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual or facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by the rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and by providing the designated sample.

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Chiropractic Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record thereof, including the transcript and documents marked in evidence, are available for public inspection upon request.

Pursuant to Public Law 101-191, the Health Insurance Portability and Accountability Act, the Board is obligated to report to the Healthcare Integrity and Protection Data Bank any adverse action relating to a chiropractor:

- (1) Which revokes or suspends (or otherwise restricts) a license; or
- (2) Which censures, reprimands or places on probation, or restricts the right to apply or renew a license; or
- (3) Under which a license is surrendered.

In accordance with an agreement with the Federation of Chiropractic Licensing Boards of the United States, a report of all disciplinary orders is provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order may appear on the public agenda for the monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.