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FILED

SEP 11 2012

**NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS**

By: John D. Hugelmeyer
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE APPLICATION
OF

ROBERT F. DeSAPIO, D.C.
License No. MC00527700

FOR REINSTATEMENT OF HIS LICENSE
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 (hereinafter "the Board") upon receipt of an application for reinstatement of the New Jersey license to practice chiropractic of Robert F. DeSapio, D.C. (hereinafter "Applicant") that the Board has reviewed; and the parties wishing to resolve this matter without formal proceedings, hereby stipulate to the following facts and conclusion of law.

FINDINGS OF FACT

1. Applicant, Robert F. DeSapio, 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 August 31, 2001, Applicant's license to practice chiropractic in New Jersey expired.

3. As a required component of his application for reinstatement, Applicant provided a statement indicating that he is currently actively licensed in Florida, but with "obligations" memorialized in a five year contract with the Professional Resource Network, Inc. (PRN), the State of Florida's Impaired Practitioner Program. The PRN contract will be in effect with respect to his Florida license to practice chiropractic until at least April 2013.

4. Applicant appeared before the Board on May 24, 2012 to seek reinstatement of his New Jersey license. The Board determined that it would be appropriate and necessary to require as a condition of the reinstatement of Respondent's New Jersey license to practice chiropractic that he be subject for a period of time to conditions similar to those imposed upon his practice of chiropractic by the State of Florida Department of Health.

5. For a minimum of one (1) year from the commencement of his return to practice in this State, Respondent shall be monitored for substance use by the New Jersey Professional Assistance Program (NJPAP).

CONCLUSION OF LAW

The above findings of fact provide grounds pursuant to N.J.S.A. 45:1-22 (h), for the Board to order, as a condition of reinstated licensure, such professional treatment as may be necessary to ensure that a licensee properly discharges his functions; and to order a licensee to submit to any supervision, monitoring or limitation on practice determined by the Board to be necessary to ensure that the licensee can continue to practice with reasonable skill and safety.

ACCORDINGLY, IT IS on this 11th day of September, 2012

ORDERED AND AGREED that:

1. Applicant shall be licensed to practice chiropractic in this State subject to the terms and conditions set forth in this Order.
2. Applicant shall obtain an assessment of his ongoing recovery, and shall be monitored for a minimum of one (1) year from the commencement of his return to practice in New Jersey by the Professional Assistance Program of New Jersey ("PAPNJ"). Applicant hereby agrees to the release of reports to the Board by PAPNJ on a quarterly basis, and expressly waives any claim to privilege or confidentiality that he may have concerning all reports and disclosures to the Board by PAPNJ as provided for herein, and concerning use by the Board of that information in any license proceedings. PAPNJ shall immediately notify the Board of any relapse, illegal behavior or non-compliance with this Order or with the PAPNJ monitoring plan. The waiver shall terminate upon the entry of a further Order of the Board ending the monitoring requirement. Respondent shall be responsible for the payment of all costs associated with the services performed for him by PAPNJ, or by any professional to whom he may be referred by PAPNJ.
4. Applicant shall fully comply with the monitoring program established for him by the PAPNJ. Such monitoring program shall include, but not be limited to:
 - a. Absolute abstinence from all psychoactive substances including alcohol unless prescribed by a treating health care professional for a documented medical condition and with notification from the treating health care professional to the executive medical director of the PAPNJ of the diagnosis and treatment regime within five days of issuing the prescription. Applicant shall advise all of his treating health care practitioners, who prescribe medications, of his addiction history and shall be responsible to ensure that the treating health care professional notifies the PAPNJ of any prescription for a psychoactive substance within five days of issuance of the prescription. Applicant shall also personally notify the PAPNJ of any prescription for psychoactive substance within five days of issuance of the prescription.

- b. Applicant shall attend support group meetings of Alcoholics Anonymous or Narcotics Anonymous at a frequency of not less than three meetings per week. Applicant shall provide evidence of attendance at such groups directly to the PAPNJ on a form or in a manner as required by the PAPNJ.
 - c. Applicant shall obtain the agreement of the PAPNJ, via a signature of its representative on this Order, to notify the Board within 24 hours of its receipt of information of any noncompliant behavior, slip or relapse of impairment.
 - d. Respondent shall submit to random urine screens under the supervision of PAPNJ at a frequency deemed appropriate to his duration of recovery in the sole discretion of the Medical Director of the 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 the Executive Director of the Board. 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;
5. Applicant shall pay the reinstatement fee and biennial renewal fee required for reinstatement of his license, together with all past registration fees required by N.J.S.A. 45:1-7.2.
6. Applicant shall appear before the Board, or a Committee thereof, at the end of the one (1) year period of supervision to demonstrate his compliance with the program of the NJPAP. The Board reserves the right to continue conditions upon any future practice of chiropractic in New Jersey by Applicant that it deems necessary at that time.
7. Applicant hereby consents to the entry of an Order of automatic suspension of license, without notice, upon the Board's receipt of any information, which the Board in its sole discretion deems reliable, that: Applicant has failed to comply with any of the conditions set forth above; Applicant has failed to comply with any other provision of this Order; or upon a prima facie showing being made to the Board of a relapse or recurrence of the use of alcohol or psychoactive substances by Applicant, which are not prescribed by a treating health care professional with notification to the PAPNJ, as described in ordered paragraph 4a.

8. Applicant shall have the right to apply for removal of the automatic suspension on ten (10) days' notice, but in such event, shall be limited to a showing that the information relied upon by the Board was false.

NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

I have read and understand this Consent Order and I agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.



Robert F. DeSapio, D.C.

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

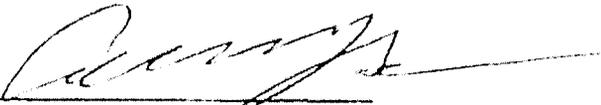
I agree on behalf of NJPAP to the monitoring and reporting requirements herein.



Louis E. Baxter, Sr. M.D., F.A.S.M.
Medical Director, PAPNJ

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