

FILED

SEP 22 2016

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07102
Attorney for the Board of Chiropractic Examiners

By: Virginia Class-Matthews
Deputy Attorney General
Telephone (973) 648-3696

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
Board of Chiropractic Examiners

_____	:	
IN THE MATTER OF SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	
TYRAN MINCEY, D.C.	:	
LICENSE NO. 38MC0054600	:	Administrative Action
	:	
TO PRACTICE CHIROPRACTIC	:	
IN THE STATE OF NEW JERSEY	:	AMENDED 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, Tyran Mincey, D.C., is a chiropractic physician in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On September 9, 2014, the Department of Banking and Insurance referred a complaint from Jaconda Wagner, Esq. in which she alleges improper billing practices of Respondent. Respondent was her treating chiropractor for an assault which occurred in March of 2013 and an auto accident which occurred in June of 2013. (Exhibit A)

3. In Ms. Wagner's letter dated August 20, 2014 she alleged that Respondent was trying to collect for "claims that were disallowed by the auto insurance company and claims for which he never sought appropriate payment from the health insurance company. She alleged that Respondent's claims were denied as being inappropriately documented, medically unnecessary or completed after an independent medical evaluation (IME) determined maximum medical improvement had been reached with chiropractic care.

4. On September 26, 2014 Respondent submitted a response to Ms. Wagner's allegations. He denied all allegations of insurance fraud. He stated he had not "received, billed for, or requested any payment in excess of services rendered to Ms. Wagner. (Exhibit B)

5. On November 20, 2014 Respondent appeared for an investigative inquiry before a committee of the Board. During this inquiry several issues arose regarding documentation errors. On December 2, 2013 the code 99204 was used for billing purposes on the personal injury (PI) case which was not the correct code. He claimed that the error was committed by his secretary. The PI code is 99203 and the charge for an initial personal injury exam is \$160.00. Consequently this code should not have been used on this date.

6. There was also an error committed as the record indicated that Respondent treated the patient for digestive disturbances and billed for it through the personal injury insurance policy. Respondent admitted that treatment for a digestive disorder was billed under the motor vehicle accident policy instead of the patient's personal health insurance. He asserted that this was done in error and was not done intentionally.

CONCLUSION OF LAW

1. The aforesaid findings of fact provide 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 (b) and (e) in that Respondent engaged in professional misconduct as determined by the Board. Respondent engaged in the use or employment of misrepresentation within the intendment of N.J.S.A. 45:1-21(b) by submitting a falsified document to an insurance company. Furthermore Respondent engaged in professional misconduct in violation of N.J.S.A. 45:1-21(e) by submitting a falsified report.

2. The parties being desirous of resolving this matter without the necessity of formal proceedings, and it appearing that Respondent, Tyran Mincey, D.C., acknowledges that he submitted documentation with incorrect coding as previously set forth, which constitutes grounds for disciplinary action pursuant to N.J.S.A. 45:1-21(b) and (e), and it further appearing that the Board finds that the within Order is adequately protective of the public interest

and it further appearing that good cause exists for entry of the within Order;

IT IS Therefore, on this 22nd DAY OF September, 2016

ORDERED AND AGREED THAT:

1. A reprimand shall be imposed on Respondent for professional misconduct in violation of N.J.S.A. 45:1-21 (b) and (e).

2. No later than 6 months after the filing date of this Order, Respondent shall fully attend and 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 any other ethics course of similar rigor pre-approved by the Board. Documentation of the full and successful completion of the course shall be provided to the Board within thirty (30) days of its completion.

3. As a condition of licensure and pursuant to N.J.S.A. 45:1-22(g), Respondent shall be required to take an additional continuing education (CE) course within 90 days of the filing date of this Order, in documentation and record keeping. This course shall not count towards CEs required pursuant to N.J.A.C. 1.3:44L-41.

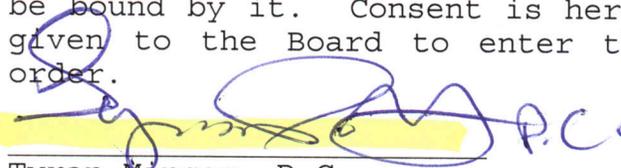
4. Failure to comply with the provisions of this Order may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

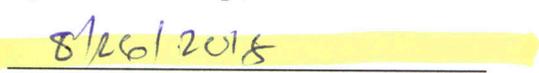
NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

By: _____

David A. Allen, D.C.
Board President

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


Tyran Mincey, D.C.


Date

Consented to as to form and entry:


Scott C. Bushelli, Esq.
Attorney for Tyran Mincey, D.C.