

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET, 7TH FLOOR
ESSEX ROOM
NEWARK, NEW JERSEY**

**PUBLIC SESSION AGENDA
THURSDAY, DECEMBER 16, 2004**

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF NOVEMBER 18, 2004 (To be forwarded under separate cover)

II. OLD BUSINESS

REPORT OF THE CONTINUING EDUCATION COMMITTEE

III. NEW BUSINESS

A. BOARD BUDGET

Attached for Board review is a report of expenditures and revenue for the previous biennial period and a projected budget for fiscal years 2005, 2006 and 2007. Fiscal Officer, Darlene Kane will be present to discuss the Board's present budget status to determine whether the Board should consider its biennial registration fees this coming year.

IV. PENDING DISCIPLINARY MATTERS

A. MICHAEL BAER, D.C.

On October 7, 2004 a Provisional Order of Discipline was filed with the Board of Chiropractic Examiners based upon Dr. Baer's pleas of guilty in New Jersey Superior Court to an indictment which alleged violations including healthcare claims fraud and the criminal use of a runner. The respondent was sentenced to a term of three years of incarceration on each of the two counts, to run concurrently. The Provisional Order sought to seek suspend Dr. Baer's license for a period of five years, two of which shall be served as a period of active suspension and the final three years to be stayed and to become a period of probation. During the period of active suspension, Respondent would be required to pass either the ProBE or PRIME ethics course. Also included was a civil penalty of \$7,500. Respondent was given 30 days to respond to the Provisional Order of Discipline. On November 22, 2004 a response was submitted by Stephen D. Brown, Esq. on behalf of Dr. Baer. A copy of Mr. Brown's response is attached for Board review as well as a cover memorandum from DAG Hugelmeyer.

B. VIRGINIA A. FATATO, D.C.

Dr. Fatato was previously sanctioned by the Board of Chiropractic Examiners in 2001 after she had been criminally convicted with one count of theft by deception and one count of falsifying records. She was suspended for a period of five years with the first two years active and the remainder stayed to become a period of probation. Most recently Dr. Fatato has petitioned the Board for an opportunity to be reinstated to the active practice of chiropractic in the State of New Jersey.

On June 28, 2004 Dr. Fatato pled guilty in New Jersey Superior Court to one count of falsifying records and was sentenced to a period of probation. Dr. Fatato has submitted a letter dated November 29, 2004 seeking to take the opportunity to explain the mitigating circumstances that preceded this plea. This matter is referred to the Board for whatever action it deems appropriate.

V. ENDORSEMENT APPLICANTS

A. DONALD FORSMAN, D.C.

B. ROBERT H. GREENBERG, D.C.

VI. ELECTRODIAGNOSTIC TESTING & SPECIAL EXAMINATION PERMITS

A. SEAN M. NISIVOCCIA, D.C.

B. ALBERT STABILE, D.C.

VII. PUBLIC COMMENTS

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