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BUREAU OF PROFESSIONAL
AND
OCCUPATIONAL AFFAIRS

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Commonwealth of Pennsylvania, :
State Board of Chiropractic :
 :
vs. : Docket No. 0466-43-91
 :
Joseph A. Diruzzo, D.C. :

CONSENT AGREEMENT

The prosecuting attorney for the Commonwealth of Pennsylvania and Joseph A. Diruzzo, D.C. ("Respondent") stipulate as follows in resolution of the above-captioned matter:

1. The State Board of Chiropractic ("Board") is a departmental and administrative board of the Department of State, Bureau of Professional and Occupational Affairs, with the power to, inter alia, revoke, suspend, limit or restrict licenses and certificates, administer public reprimands, levy civil penalties and regulate the practice of chiropractic in Pennsylvania in accordance with the Chiropractic Practice Act, the Act of December 16, 1986, P.L. 1646 ("Act"), 63 P.S. §625.101 et seq.

2. At all times relevant and material hereto, Respondent held license number DC-002500-L issued by the Board.

3. Respondent's license will expire on September 1, 1992 and is renewable upon the payment of fees, the filing of documents and compliance with the Board's continuing education and professional liability insurance requirements.

4. Respondent's address on file with the Board is 155 Paris Road, New Hartford, New York 13413.

5. Respondent's office or principal place of business is located at 320 Abington Drive, Wyomissing, Pennsylvania 19610.

6. The participants stipulate to the following additional facts:

- a. The Principal Financial Group ("Principal") is a third-party payor located at 711 High Street, Des Moines, Iowa 50309, at all times relevant and material hereto.
- b. From May 31, 1988 through August 15, 1988 Respondent submitted ten (10) medical insurance claim forms with Principal for chiropractic services or treatments that Respondent claimed to render to a patient from April 21, 1988 through July 28, 1988.
- c. The chiropractic services or treatments pertained to spinal manipulation (no. 22500), trigger point therapy (no. 97029) and manual traction (no. 97054).
- d. Respondent could not submit documentation to substantiate the aforementioned claims.
- e. The applicable chiropractic and fiscal records pertaining to the aforementioned claims are unavailable due to circumstances beyond Respondent's control.

7. The participants consent to the issuance of the following Order in resolution of this case:

- a. That the appended Consent Agreement is adopted and incorporated by reference herein.

- b. That the Board FINDS that it may impose disciplinary sanctions in accordance with Sections 506(a)(11) of the Chiropractic Practice Act, the Act of December 16, 1986, P.L. 1646, ("Act") 63 P.S. §625.506(a)(11), because Respondent failed to conform to the standards of acceptable and prevailing chiropractic practice concerning recordkeeping and billing for a patient.
- c. That Respondent shall pay restitution of \$680.00 to Principal.
- d. That Respondent shall successfully complete one hundred (100) extra hours of continuing education hours no later than March 11, 1993 as follows:
- 1) That all of the credits shall comply with Section 507(b) of the Act, 63 P.S. §625.507(b) and the Board's Regulations at 49 Pa. Code §§5.71-5.75 with the exception enumerated in paragraph d.(2).
 - 2) That at least six (6) credit hours be completed in courses pertaining to chiropractic recordkeeping.
 - 3) That no course or credit shall pertain to office management (unless it concerns recordkeeping) or practice building.
 - 4) That Respondent shall submit acceptable proof of successful completion of the one hundred (100) credit hours to the person designated below which must be received no later than April 30, 1993.
 - 5) That acceptable proof shall consist of a certificate, proof of attendance or computer listing completed by the course provider which shall contain course titles, completion date and the number of credit hours completed. Acceptable proof shall not consist of cancelled checks, receipts, catalogues, course

outlines or agendas, payment acknowledgements, the Board's continuing education report form or self-prepared records or affidavits.

- 6) That the one hundred (100) credit hours shall be in addition to and shall not consist of any of the twenty-four (24) credit hours required for renewal of Respondent's license.
- 7) That the one hundred (100) credit hours shall be completed at Respondent's expense.
- 8) That Respondent shall submit acceptable proof of the completion of the one hundred (100) credit hours to the following person or her successor:

Ms. Gina Bittner
Compliance Officer
Law Enforcement Division
Bureau of Professional
and Occupational Affairs
P.O. Box 2649
Harrisburg, PA 17105-2649

- 9) That Respondent shall successfully complete the one hundred (100) credit hours even if he lets his license expire or lapse or place his license on inactive status.
- e. That Respondent shall be deemed in violation of this Order if he falsifies, causes the falsification or aids and abets the falsification of any information submitted pursuant to paragraph d above.
 - f. That grounds for disciplinary action shall exist in accordance with Section 506(a)(9) of the Act, 63 P.S. §625.506(a)(9) in the event Respondent violates this Order.
 - g. That this case shall be settled and discontinued in accordance with the terms of this Order upon Board adoption of the Consent Agreement.

h. That this Order shall take effect immediately upon Board adoption of the Consent Agreement.

8. Respondent received service of an Order to Show Cause containing notice of the allegations against him and his right to an administrative hearing.

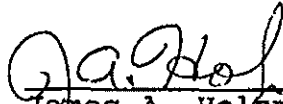
9. Respondent knowingly and voluntarily waives his right to a stenographically-recorded administrative hearing at which he may be represented by an attorney, present evidence and testimony, cross-examine witnesses and challenge evidence. Respondent also waives the right to submit legal briefs and to appeal the Board's Order.

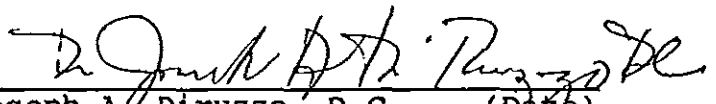
10. Respondent shall tender the restitution of \$680.00 to the prosecuting attorney with the executed Consent Agreement. The amount shall be paid by certified check, cashier's check, attorney's check or money order made payable to "Principal Financial Group." Upon adoption of the Consent Agreement, the prosecuting attorney shall tender the restitution to Principal.

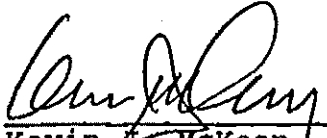
11. The participants understand that this Consent Agreement is between the Prosecuting Attorney and the Respondent only and is to have no legal effect unless and until the Board issues an Order adopting it and the Office of Chief Counsel approves the contents of this Consent Agreement and the Board's Order as to legality.

12. Respondent verifies that he read and understands the content of this Consent Agreement and that the facts contained herein are correct to the best of his knowledge, information and

belief. Respondent understands that false statements constitute grounds for criminal penalties pursuant to 18 Pa. C.S. §4904 relating to unsworn falsifications to authorities.

 5/18/92
James A. Holzman (Date)
Prosecuting Attorney
Commonwealth of Pennsylvania
Bureau of Professional
and Occupational Affairs

 (Date)
Joseph A. Diruzzo, D.C. (Date)
Respondent

 5/14/92
Kevin T. McKeon, Esquire (Date)
MALATESTA, HAWKE & MCKEON
Attorney for Respondent

File #884304493

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Commonwealth of Pennsylvania, :
State Board of Chiropractic :
 :
vs. : Docket No. 0466-43-91
 :
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ORDER

AND NOW, this 25th day of June, 1992, upon consideration of the appended Consent Agreement, the State Board of Chiropractic ("Board") ORDERS as follows in regard to Joseph A. Diruzzo, D.C. ("Respondent"):

- a. That the appended Consent Agreement is adopted and incorporated by reference herein.
- b. That the Board FINDS that it may impose disciplinary sanctions in accordance with Sections 506(a)(11) of the Chiropractic Practice Act, the Act of December 16, 1986, P.L. 1646, ("Act") 63 P.S. §625.506(a)(11), because Respondent failed to conform to the standards of acceptable and prevailing chiropractic practice concerning recordkeeping and billing for a patient.
- c. That Respondent shall pay restitution of \$680.00 to Principal.
- d. That Respondent shall successfully complete one hundred (100) extra hours of continuing education hours no later than March 11, 1993 as follows:
 - 1) That all of the credits shall comply with Section 507(b) of the Act, 63 P.S. §625.507(b) and the Board's Regulations at 49 Pa. Code §§5.71-5.75 with the exception enumerated in paragraph d.(2).
 - 2) That at least six (6) credit hours be completed in courses pertaining to chiropractic recordkeeping.
 - 3) That no course or credit shall pertain to office management (unless it concerns recordkeeping) or practice building.

- 4) That Respondent shall submit acceptable proof of successful completion of the one hundred (100) credit hours to the person designated below which must be received no later than April 30, 1993.
- 5) That acceptable proof shall consist of a certificate, proof of attendance or computer listing completed by the course provider which shall contain course titles, completion date and the number of credit hours completed. Acceptable proof shall not consist of cancelled checks, receipts, catalogues, course outlines or agendas, payment acknowledgements, the Board's continuing education report form or self-prepared records or affidavits.
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- 7) That the one hundred (100) credit hours shall be completed at Respondent's expense.
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Compliance Officer
Law Enforcement Division
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- 9) That Respondent shall successfully complete the one hundred (100) credit hours even if he lets his license expire or lapse or place his license on inactive status.
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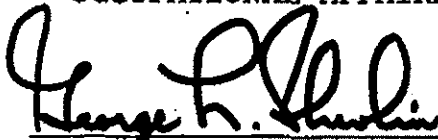
falsification of any information submitted pursuant to paragraph d above.

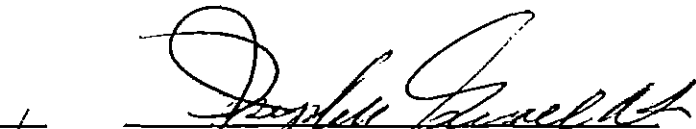
- f. That grounds for disciplinary action shall exist in accordance with Section 506(a)(9) of the Act, 63 P.S. §625.506(a)(9) in the event Respondent violates this Order.
- g. That this case shall be settled and discontinued in accordance with the terms of this Order upon Board adoption of the Consent Agreement.
- h. That this Order shall take effect immediately upon Board adoption of the Consent Agreement.

BY ORDER:

BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS

STATE BOARD OF CHIROPRACTIC


George L. Shevlin
Commissioner


Joseph M. Gnall, D.C.
Chairman

James A. Holzman
Prosecuting Attorney
Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

Kevin J. McKeon, Esquire
MALATESTA, HAWKE & MCKEON
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105

Deborah B. Eskin, Esquire
Counsel, State Board of Chiropractic

File #884304493