

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH
CONNECTICUT STATE BOARD OF CHIROPRACTIC EXAMINERS**

In re: George Zabrecky, D.C.

Petition No. 2003-0109-007-001

CONSENT ORDER

WHEREAS, George Zabrecky, D.C. of Ridgefield, Connecticut (hereinafter "respondent") has been issued license number 000196 to practice chiropractic by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 372 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. Respondent has a medical degree ("M.D.") but he has never been licensed to practice medicine in any state. Respondent has used the initials "M.D." in a manner that could induce the belief that he is licensed to practice as a physician and surgeon, regardless of whether it was his intent to induce such belief.
2. Respondent practices with Marcie Wolinsky-Friedlan, M.D. and others who are not licensed chiropractors in Connecticut. He practices under the name of Americas Research And Treatment Center.
3. Respondent has used immunogenomic testing as a screening test.
4. Respondent has collected urine samples for chelation patients. Said samples are collected after administration of a provoking agent, typically DMPS (Dimercapto Propane Sulfonic Acid), and are sent to a laboratory that measures the urine concentrations of various heavy metals against reference ranges for unprovoked urines.
5. Respondent has used PolyMVA as a treatment for cancer.
6. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-29.

WHEREAS, respondent, denies any wrongdoing, but in consideration of this consent order, agrees to waive his right to a hearing and agrees that for purposes of this or any future proceedings before the Board of Chiropractic Examiners hereinafter "the Board"), this Consent Order shall be binding and effective as if ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-29 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17, and 20-29 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license shall be placed on probation for a period of two years under the following terms and conditions:
 - a. Respondent may use the initials "M.D." for research publications, correspondence other than to patients, and similar papers. Respondent may not use the initials "M.D." on any document provided to a patient or on any patient chart, or on any document ordering tests or medications for a patient. At the initial visit for each new patient, the patient will sign a disclaimer, which shall be kept in the patient's chart, that Dr. Zabrecky is not a licensed physician and surgeon and only practices chiropractic. Respondent shall inform all patients as follows: "Dr. George Zabrecky utilizes only chiropractic, nutrition and other health measures within the scope of his Connecticut chiropractic license. Dr. Zabrecky is not licensed to practice medicine in Connecticut."
 - b. Respondent and the other licensed practitioners with whom he practices who are not licensed chiropractors shall maintain separate patient charts and orders.

Notwithstanding the foregoing, nothing herein shall require the maintenance of

separate files as long as medical and chiropractic charts and orders are kept conspicuously separate within said files from and after the date of this Consent Order.

- c. Respondent shall practice under a practice name that complies with section 20-32 (a) of the Connecticut general statutes. Within sixty days of the effective date of this consent order, respondent will change all letterhead, patient charts and records, business cards, signs, and advertising to said business name, and will provide a copy of the re-named documents to the Department.
- d. Respondent shall disclose to any patient to whom he recommends, orders, gives, or sells PolyMVA that there is no scientifically accepted evidence that PolyMVA is a successful therapy for any cancer, and shall chart that disclosure.
- e. Respondent may use immunogenomic testing only for specific diagnostic indications, and not as a screening test. Respondent shall chart the specific indication for any such patient.
- f. Respondent shall not perform chelation or any preliminary testing antecedent to chelation with any prescriptive products and/or services, such as DMPS (Dimercapto Propane Sulfonic Acid) and/or DMSA (Dimercapto Succinic Acid). Respondent may refer patients to a medical physician for evaluation and treatment by chelation, within the applicable standards of care for chelation therapy by medical physicians.

Notwithstanding the foregoing, nothing herein shall bar respondent from utilizing over the counter products in the treatment of his patients, such as n-acetyl cysteine, Chlorophyll, Zinc, Methionine and like products, so long as such products conform with section 20-28 of the Connecticut General Statutes.
- g. Respondent shall not treat cancer. Notwithstanding this provision, nothing in this Consent Order shall prohibit respondent from providing recognized chiropractic treatments as adjunctive care for patients with cancer diagnosed by a licensed medical

physician. Respondent may accept referrals from medical physicians to provide adjunctive care for cancer patients. Respondent shall maintain appropriate documentation of coordinated care with such patients' medical physician.

- h. Respondent shall obtain at his own expense, the services of a chiropractor, pre-approved by the Department (hereinafter "supervisor"), to conduct a quarterly random review of twenty-five (25) of respondent's patient records relating to patient care rendered after August 1, 2006. Notwithstanding the foregoing, if the total number of files for which review is appropriate is less than twenty-five per quarter, the supervisor shall review only the actual number of files appropriate for review. In carrying out his/her duties hereunder:
- (1) Respondent's supervisor shall conduct such review and meet with him not less than once every three months for the entire probationary period at a mutually agreeable time.
 - (2) The supervisor shall have the right to monitor respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.
 - (3) Respondent shall be responsible for providing written supervisor reports directly to the Department quarterly for the entire probationary period. Such supervisor's reports shall include documentation of dates and duration of meetings with respondent, number and a general description of the patient records and patient orders, additional monitoring techniques utilized, and a statement that respondent is practicing in compliance with the terms of this consent order.

(4) The supervisor shall report to the Department immediately if he or she finds that respondent's practice constitutes a "clear and imminent danger to the safety of any patient".

3. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

4. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.

5. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.

6. Respondent shall pay all costs necessary to comply with this Consent Order.

7. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:

- a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
- b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
- c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 7.a. above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
- d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the

satisfaction of the Department, he shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.

- e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
8. In the event respondent is not employed as a chiropractor for periods of thirty (30) consecutive days or longer, or is employed as a chiropractor less than twenty (20) hours per week, or is employed outside of the State of Connecticut, respondent shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Consent Order.
9. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Office of Practitioner Licensing and Certification of the Bureau of Healthcare Systems of the Department.
10. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
11. Respondent agrees that this Consent Order shall be deemed a public document.
12. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
13. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.

14. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
15. Respondent permits a representative of the Legal Office of the Healthcare Systems Branch to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted.
16. Respondent has consulted with an attorney prior to signing this document.
17. The purpose of this agreement is to resolve the pending matter against respondent's license about which there has been no finding of wrongdoing, and is therefore not intended to nor should it affect any claim of civil liability that might be brought against respondent. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

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I, George Zabrecky, D.C., have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

George P. Zabrecky, D.C.
George Zabrecky, D.C.

Subscribed and sworn to before me this 25th day of Oct. 2006.

BARBARA C. SERFILIPPI
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 31, 2010

Barbara C. Serfilippi
Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 8th day of November 2006, it is hereby accepted.

Jennifer Filippone
Jennifer Filippone, Division Chief
Practitioner Licensing and Investigation
Healthcare Systems Branch

The above Consent Order having been presented to the duly appointed agent of the _____ on the 16th day of November 2006, it is hereby ordered and accepted.

[Signature]
Board Of Chiropractic Examiners