

1 **BEFORE THE STATE OF ARIZONA BOARD**
2 **OF CHIROPRACTIC EXAMINERS**

3 In the Matter of:) Case No.: 2016-048
4 Joseph Di Duro, D.C.) **FINDINGS OF FACT, CONCLUSIONS**
5 Holder of License No. 7757) **OF LAW AND ORDER OF**
6 For the Practice of Chiropractic) **REVOCATION**
7 In the State of Arizona)
8 Respondent)

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10 **INTRODUCTION**

11 On February 21, 2018, the Arizona Board of Chiropractic Examiners (“Board”) convened
12 to hold an Administrative Hearing. Assistant Attorney General Michael Raine represented the
13 State. Respondent did not appear and was not represented by legal counsel. Assistant Attorney
14 General Marc Harris, of the Licensing and Enforcement Section of the Attorney General’s
15 Office, appeared in person to provide independent legal advice to the Board. At issue was the
16 State’s Motion to Deem Allegations Admitted regarding the Complaint and Notice of Hearing
17 in this matter and the imposition of the appropriate disciplinary action(s) pursuant to A.R.S. §
18 32-924. The Board, after considering the State’s Motion, granted the Motion to Deem the
19 Allegations Admitted and issued the following Findings of Fact, Conclusions of Law and Order:
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22 **FINDINGS OF FACT**

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24 1. On information and belief, Respondent is the co-owner, co-founder, and Director
25 of Research of DIY Neurocare of America (“DIY”) and is a founder of Neuropathy Treatment
26 Centers of America (“NTCA”).

27 2. On April 25, 2016, patient BF and her husband LF were visited by a DIY
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1 representative in their home.

2 3. On Information and belief, the DIY representative lacked any medical licensure,
3 but nevertheless examined BF and diagnosed her with severe neuropathy.

4 4. The patient file that BF provided to the Board lacks Respondent's signature and
5 any indication that he is a "DC," "Doctor of Chiropractic," "Chiropractic Physician," or the like.

6 5. The representative quoted BF the amount of \$3,995 for the DIY NeuroCare Home
7 Therapy System.

8 6. During the visit, the representative brought a book that Respondent had written,
9 which was titled "The Cholesterol Chronicles." In the book, Respondent describes seeing
10 patients in his office.

11 7. Materials that DIY provided to BF or that BF obtained from DIY reference
12 Respondent and include testimonials from individuals who claim that Respondent had treated
13 them.

14 8. During the home visit, BF inquired if Respondent should evaluate her husband,
15 LF. The representative told BF that in order to see Respondent, there would be a \$249 fee and
16 the \$3,995 quote for the DIY Neurocare Home Therapy System would increase by \$1,000.

17 9. BF and LF inquired about a money-back guarantee for the equipment if it did not
18 help with their respective conditions, and the DIY representative stated that staff would relay
19 their conversations about results from the equipment to the Respondent.

20 10. On April 26, 2016, BF and LF attended a free dinner and presentation on
21 neuropathy that DIY Neurocare of America, LLC, hosted. Presenters mentioned Respondent and
22 his credentials (DC, BA, DABCN, MS), and attendees were asked to fill out a questionnaire to
23 provide information about themselves and their health. Attendees were given an appointment for
24 a home visit and consultation. During the presentation, attendees were shown a video featuring
25 Respondent discussing the equipment and its uses.

26 11. On June 9th, 2016, LF contacted the 1-800 telephone number that was referenced
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1 on DIY's materials for checking on patient progress. A representative named "Tanya" spoke
2 with LF and referenced his "folder." LF asked for a copy of his records but never received them.
3 Tanya claimed that she was a "Naturopath," but later admitted she had no professional licensure
4 in that field.

5 12. On July 21, 2016, LF called the number listed for NTCA on its website. The
6 receptionist indicated that at that facility, they set up appointments for someone to come to your
7 home. When asked "who comes," the receptionist indicated that "this is DIY and [Respondent]
8 would come to your house." The "contact us" tab for the website referenced Respondent's
9 chiropractic office address. In addition, other advertisements for NTCA expressly referenced
10 Respondent's chiropractic office in Casa Grande, AZ.

11 13. In addition to the materials that BF and LF reviewed, numerous advertisements
12 continue to claim that Respondent is an actively-licensed DC and a diplomate of the American
13 Board of Chiropractic Neurologists (a "DABCN"), but neither is currently true.

14 14. Respondent's advertisements also claim that treatments are superior to other
15 professionals and that the equipment and treatments may cure various ailments.

16 15. During its investigation, Board staff determined that Respondent's address of
17 record was no longer a valid address for him and that he has failed to update his address of
18 record with the Board. Staff notified Respondent of this fact and requested that he pay the
19 statutory \$50 penalty, but Respondent has not paid the penalty.

20 16. At the time of BF's complaint and the activities described therein, Respondent's
21 license was on "inactive" status at the Board.

22 17. Respondent failed to renew his license by December 31, 2016, timely, and it was
23 placed on administrative suspension on January 1, 2017.

24 18. During its investigation, Board staff mailed a subpoena to Respondent's address
25 of record with the Board.

26 19. The subpoena requested that Respondent provide certain documents to the Board
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1 and Respondent failed to timely respond to the subpoena and failed to provide a complete
2 response.

3 20. In a June 20, 2016, response to BF’s complaint, Respondent falsely stated that
4 “DIY has no connection or affiliation in any way with my practice as a chiropractor.”

5 21. Board staff mailed a copy of the Complaint to Respondent on January 11, 2018,
6 via U.S. Postal Service Certified Mail (Return Receipt Requested) to Respondent's address of
7 record with the Board. On January 29, 2018, the Board received confirmation of delivery of the
8 Complaint. In its Complaint, the Board advised Respondent of the requirement that he respond
9 and of the consequences of this failure to file a response pursuant to A.R.S. § 32-924(H).

10 **CONCLUSIONS OF LAW**

11 1. The conduct and circumstances described above in the Findings of Fact constitute a
12 violation of A.R.S. § 32-924(A) (5), “Unprofessional or dishonorable conduct of a character
13 likely to deceive or defraud the public or tending to discredit the profession.” Board rules
14 provide that the following activities are “unprofessional conduct” pursuant to A.R.S. § 32-
15 924(A): A.A.C R4-7-902(2) (“Knowingly making a false or misleading statement to a patient
16 or a third-party payor.”); (3) (“Knowingly making a false or misleading statement, providing
17 false or misleading information, or omitting material information in any oral or written
18 communications, including attachments, to the Board, Board staff, or a Board representative or
19 on any form required by the Board.”) (26) (“Claiming professional superiority in the practice
20 of chiropractic under A.R.S. § 32-925.”); (37) (“Any act or omission identified in A.R.S. § 32-
21 924(A).”). The conduct and circumstances described above in the Findings of Fact constitute a
22 violation of these rules. Respondent’s actions, described above, could provide the Board with
23 sufficient factual basis to suspend or revoke Respondent’s chiropractic license pursuant to
24 A.R.S. § 32-924(G).
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1 2. The conduct and circumstances described above in the Findings of Fact constitute a
2 violation of A.R.S. § 32-924(A)(13) (“Advertising in a false, deceptive or misleading
3 manner.”) as set forth in A.A.C. R4-7-901 (“Advertising in a false, deceptive, or misleading
4 manner includes, but is not limited to, the following: (1) Advertising painless procedures; (2)
5 Advertising complete health services; or (3) Advertising that uses the words ‘specialist,’
6 ‘specializing,’ or ‘expert.’”). Respondent’s actions, described above, could provide the Board
7 with sufficient factual basis to suspend or revoke Respondent’s chiropractic license pursuant to
8 A.R.S. § 32-924(G).
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10 3. The conduct and circumstances described above in the Findings of Fact constitute a
11 violation of A.R.S. § 32-924(A)(15) (“Any conduct or practice contrary to recognized
12 standards in chiropractic or any conduct or practice that constitutes a danger to the health,
13 welfare or safety of the patient or the public or any conduct, practice or condition that impairs
14 the ability of the licensee to safely and skillfully practice chiropractic.”). Respondent’s actions,
15 described above, could provide the Board with sufficient factual basis to suspend or revoke
16 Respondent’s chiropractic license pursuant to A.R.S. § 32-924(G).
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18 4. The conduct and circumstances described above in paragraph in the Findings of
19 Fact constitute a violation of A.R.S. § 32-924(A)(16) (“Violating or attempting to violate,
20 directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any of
21 the provisions of this chapter or any board order.”) as it relates to A.R.S. § 32-923(A) (“Every
22 person licensed pursuant to this chapter shall notify the board in writing of any change in
23 residence or office address and telephone number within thirty days after that change. The
24 board shall impose a penalty of fifty dollars on a license who does not notify the board as
25 required by this subsection.”). Respondent’s actions, described above, could provide the Board
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1 with sufficient factual basis to suspend or revoke Respondent’s chiropractic license pursuant to
2 A.R.S. § 32-924(G).

3 5. The conduct and circumstances described above in the Findings of Fact constitute a
4 violation of A.R.S. § 32-924(A)(17) (“Failing to sign the physician's name, wherever required,
5 in any capacity as ‘chiropractic doctor’, ‘chiropractic physician’ or ‘doctor of chiropractic’ or
6 failing to use and affix the initials ‘D.C.’ after the physician's name.”). Respondent’s actions,
7 described above, could provide the Board with sufficient factual basis to suspend or revoke
8 Respondent’s chiropractic license pursuant to A.R.S. § 32-924(G).
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10 6. The conduct and circumstances described above in the Findings of Fact constitute a
11 violation of A.R.S. § 32-933(E) (“The practice of chiropractic in this state during any time that
12 a license is on inactive status is grounds for sanction of the license.”). Respondent’s actions,
13 described above, could provide the Board with sufficient factual basis to suspend or revoke
14 Respondent’s chiropractic license pursuant to A.R.S. § 32-924(G).
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16 **ORDER**

17 Based upon the above Findings of Fact and Conclusions of Law, **IT IS HEREBY**

18 **ORDERED:**

19 1. Chiropractic License No. 7757, issued to Respondent to practice chiropractic in the
20 State of Arizona is **Revoked**.
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22 **NOTICE:** This Order constitutes a formal decision and order of the Board. If the
23 Respondent desires to challenge the Order, Respondent shall file a written motion for rehearing
24 with the Board’s Executive Director within thirty (30) days after service of the Order. Service
25 of the Order is effective five days after the date of mailing to Respondent. Under A.A.C. R4-7-
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1 305 (C), the motion for rehearing must state with specificity the grounds for rehearing. Failure
2 to file a motion for rehearing or review has the effect of prohibiting judicial review of the
3 Board's Order, according to A.R.S. § 41-1092.09 (B) and A.R.S. § 12-904 et seq.
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6 Dated this 22nd day of February, 2018

7 STATE OF ARIZONA BOARD OF
8 CHIROPRACTIC EXAMINERS

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11 By James Badge, D.C.

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13 James Badge, D.C., Chair
14 State of Arizona Board of
15 Chiropractic Examiners

16 **COPY** of the foregoing mailed by
17 U.S. Certified mail (Return receipt requested)
18 This 22nd day of February, 2018
19 Certificate No. 7016 3010 0000 3535 5777 to:

20 Joseph Di Duro, D.C.
21 2215 E. 5th St.
22 Tempe, AZ 85821

23 **Respondent**

24 **COPY** of the foregoing mailed electronically
25 This 22nd day of February, 2018, to:

26 Michael Raine, Assistant Attorney General
27 Michael.Raine@azag.gov
28 Arizona Attorney General's Office

Marc H. Harris, Assistant Attorney General
Marc.Harris@azag.gov
Independent Counsel to the Board

Justin Bohall, Executive Director
Board Operations