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**FILED**

**NOV 05 2015**

**NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS**

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

**JAMES FARLEY, D.C.**  
**LICENSE NO. 38MC00475400**

TO PRACTICE AS A DOCTOR OF  
CHIROPRACTIC IN THE STATE OF NEW  
JERSEY

Administrative Action

**CONSENT ORDER**

This matter was opened to the New Jersey State Board of Chiropractic Examiners ("Board") by John J. Hoffman, Acting Attorney General of New Jersey, Christopher Salloum, Deputy Attorney General, appearing, upon receipt of information that James Farley, D.C. ("Respondent") failed to comply with various statutes and regulations governing the conduct of licensed chiropractors in the State of New Jersey.

These allegations are based on documents in the Board's possession and testimony provided by Respondent to investigative

committees of the Board on three separate dates. Specifically, on October 18, 2007, while represented by counsel, Respondent testified before a Board Preliminary Investigative Committee ("PIC") regarding advertisements he arranged to have published in a local newspaper on or before August 2007. These advertisements, which ran in the Daily Record, described a free report which revealed the "untold story" of fibromyalgia pain. Readers and sufferers were directed to request by telephone or over the internet a free copy of the ten-page report. Upon receiving such a request, Respondent sent out the report. The report itself was an advertisement for chiropractic services. The report promised that a "secret" treatment could be performed that would "shock and delight" and "possibly wake you up from your fibromyalgia nightmare and end your suffering - FOREVER!!!" The report stated that Respondent had discovered such treatment after searching for it for years, that Respondent wrote the report, and that it had taken Respondent "months to write." The report stated that the secret treatment could not be found anywhere else.

Respondent did not author this report. Rather Respondent purchased it from another chiropractor. Respondent did not conduct years of research or spend years searching for such treatment. Treatment by Respondent for fibromyalgia is not unique to Respondent's office. The PIC believed that Respondent's advertising practices were misleading and made false claims.

On February 18, 2010, Respondent again appeared and testified before the PIC while represented by counsel. This time, Respondent was questioned about his treatment of patient J.P., his recording keeping protocol, his use of the laser treatment modality, and his Medicare/Medicaid billing practices. After this appearance, the PIC believed that Respondent kept inadequate records of his treatment of J.P., excessively billed Medicare-eligible patients for certain treatments, and administered cold laser treatment while lacking the requisite knowledge of its contraindications.

On May 26, 2011, Respondent appeared before the PIC for the third time and was once again represented by counsel. On that date, he was questioned regarding a February 2, 2011 New Jersey Star-Ledger advertisement he had purchased, his treatment of patient B.L., and his record-keeping and billing practices. The Star-Ledger advertisement described Respondent as a "Board Eligible Chiropractic Neurologist (in training)" even though Respondent had completed no more than 65 of the 300 credits required to be eligible to sit for the examination administered by the American Chiropractic Neurology Board. Regarding patient B.L., whom Respondent diagnosed with spinal stenosis and then treated with a type of spinal decompression known as VAX-D, the PIC believed that Respondent lacked sufficient knowledge of contraindications for VAX-D, which included spinal stenosis, that he had performed insufficient diagnostic testing, and that he had kept insufficient

records of B.L.'s treatment. The PIC was also concerned by the lack of clarity in Respondent's communications with B.L. regarding the amount she would be billed for the services he provided.

As described above, Respondent's testimony during his three appearances before the Board's investigative committee and the documentary evidence in the Board's possession indicates the following: Respondent failed to comply with N.J.A.C. 13:44E-2.2, which establishes the standards for preparing and maintaining patient records, in his treatment of patients B.L. and J.P; Respondent was deficient in his treatment of J.P. and B.L. in that he lacked requisite knowledge of contraindications and precautions regarding low laser treatment he provided, lacked knowledge of contraindications to performing VAX-D and spinal decompression, and failed to provide support for his diagnoses in violation of N.J.S.A. 45:1-21(c) and (d); Respondent routinely overbilled Medicare-eligible patients in violation of N.J.S.A. 45:1-21(e); and Respondent violated N.J.A.C. 13:44E-2.1(c) et seq. by causing to be disseminated false and misleading advertisements that he 1) was "Board Eligible" when he was not actually eligible to sit for the American Chiropractic Neurology Board ("ACNB") examination and 2) had authored a report on fibromyalgia that he did not actually author in violation of N.J.S.A. 45:1-21(h) and (o).

Respondent and the Board, both being desirous of resolving this matter without formal proceedings, consent and agree to each

and every term of this Consent Order. The Board being satisfied that entry of this Consent Order is adequately protective of the public health, safety and welfare, and being satisfied that good cause exists for entry of the within Order,

IT IS on this 5 day of November 2015,

ORDERED AND AGREED THAT:

1. Respondent James Farley, D.C. is hereby formally reprimanded for the violations of Board statutes and regulations detailed above.

2. Respondent is hereby assessed a civil penalty in the amount of \$15,000, pursuant to N.J.S.A. 45:1-25.

3. Respondent shall reimburse the Board for costs in the amount of \$975, pursuant to N.J.S.A. 45:1-25(d).

4. The Payment for all penalties and costs set forth above in paragraphs 4 and 5 shall be made by wire transfer, or by bank check, money order, or certified check and made payable to the State of New Jersey and sent to Lisa Tadeo, Executive Director, New Jersey State Board of Medical Examiners, P.O. Box 45004, 124 Halsey St., Newark, NJ 07101, within thirty days of the date of filing of this Consent Order. Any payment in a form other than those noted above will be rejected and returned to the sender. Subsequent violations will subject Respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

5. Respondent shall successfully complete thirty-six (36) continuing chiropractic education requirements within six (6) months of entry of this Order. Twelve (12) hours of the continuing education requirements must be in spinal decompression.

6. The continuing education course work, which shall be in addition to Respondent's regularly continuing education hours, must be approved by the Board in writing prior to attendance. Respondent shall provide proof of successful completion of each course within thirty (30) days of completion. Successful completion means that all sessions were attended, all assignments were properly and appropriately completed and a passing grade was achieved which was unconditional and without reservation.

7. Respondent shall additionally be responsible to ensure that the course provider(s) of each of the courses referenced herein submits written confirmation to the Board that Respondent attended and successfully completed said courses.


8. Any costs incurred by Respondent in complying with this Order shall be borne solely by Respondent, and shall in no way be borne by the Board.

9. Respondent shall further comply with the "Directives Applicable to any Chiropractic Board Licensee who is Suspended, Revoked or Whose Surrender of Licensure has been Accepted," (the "Directives") which are attached.


10. The parties hereby stipulate that entry of this Order is without prejudice to further action, investigation or restrictions, by this Board, the Attorney General, the Director of the Division of Consumer Affairs or other law enforcement entities resulting from Respondent's conduct prior to entry of this Order.

11. Failure to comply with any provision of this Consent Order may result in subsequent disciplinary proceedings pursuant to N.J.A.C. 13:45C-1.1 et seq. for failure to comply with an Order of the Board.

STATE BOARD OF CHIROPRACTIC EXAMINERS

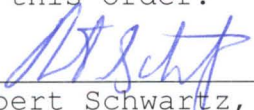
By:   
\_\_\_\_\_  
David A. Allen, D.C.  
Board President

I have read and understood the within Order and agree to be bound by its contents. Consent is hereby given to the Board to enter this Order.

  
\_\_\_\_\_  
James Farley, D.C.

Dated: 11/3/15

Consent is hereby given as to the form and entry of this Order:

  
\_\_\_\_\_  
Robert Schwartz, Esq.  
Hanlon, Dunn, Robertson, Schwartz and Webb  
Attorney for Respondent

Dated: 10/30/15