

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF CHIROPRACTIC**

IN RE:)
TIMOTHY FARRELL, D.C.) **Docket No: CH01-0804**
License No. 006-0000989)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont through its State Prosecuting Attorney, Edward G. Adrian, and Respondent, Timothy Farrell, D.C., who stipulate and agree as follows:

Board Authority

- 1) The Vermont Board of Chiropractic has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Chiropractic Physicians pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§521, 527, 529, 541 and; the Board of Chiropractic Laws and Rules; and the Office of Professional Regulation's Rules.
- 2) Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
- 3) Using advertising that makes a representation relating to chiropractic services that does not clearly state that the services advertised are being offered by a "chiropractor" or "chiropractic physician" is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §541(b)(1).

Facts

- 4) Respondent, Timothy Farrell, is a Chiropractic Physician holding license number 006-0000989 issued by the State of Vermont. Respondent's license was originally issued on November 25, 1996 and Respondent's license has a current expiration date of September 30, 2006.
- 5) At all times relevant, Respondent maintained a chiropractic practice in Jericho, Vermont.
- 6) In 2001 Respondent started placing advertisements in local papers to encourage people to call a 1 800 number to receive a free report relating to the rights of individuals involved in a car accident. This advertisement did not state that the report was being offered by a chiropractor or chiropractic physician.

7) In 2001, Respondent began placing advertisements in local papers encouraging Fibromyalgia sufferers to call a 1 800 number to receive a free report that Respondent claimed would help in the treatment of Fibromyalgia. This advertisement did not state that the report was being offered by a chiropractor or chiropractic physician.

8) The report for car accident victims contained the following statements and/or claims:

- a. That many car accident victims will suffer for the rest of their lives due to ignorance and/or inappropriate care, and that by reading the report readers will learn how to prevent this from happening.
- b. That the report reveals the truth about car accident injuries that insurance companies are trying to keep from individuals.
- c. That the Respondent is a recognized and reputable doctor who should be seen to detect low impact, soft tissue injuries before discussing settlement with insurance companies.
- d. That by not documenting soft tissue injuries through the use of the EMG immediately, those injuries could get worse and more difficult to treat, and individuals may suffer a pecuniary loss as well.
- e. That the slightest injury, even one that patients do not currently suffer from may result in a "terrible condition" in the future known as osteoarthritis, the condition may become impossible to cure completely, and individuals may have to "foot the bill" to treat the condition.
- f. That it is vital for any child involved in a car accident to be evaluated to prevent them from being subjected to unnecessary pain, suffering, or physical problems later in life.
- g. That Respondent will provide a free EMG test. However, the free consultation "coupon" states that by law Respondent must charge \$25.00 for the exam for Medicare and Medicaid.

9) The report for fibromyalgia sufferers contained the following statements and/or claims:

- a. The report will tell readers how 1000's of fibromyalgia sufferers are finally melting away their aches, pains, and chronic fatigue.
- b. That the Respondent believes he provides the "ULTIMATE possible solution" to fibromyalgia.

- c. That what Respondent has found is the like the “‘fountain of youth’ for fibromyalgia sufferers.”
- d. Respondent knows the “‘insider’s secret’” to ending fibromyalgia suffering.
- e. Even if the reader has been to “‘100’s of other doctors,” “other chiropractors” and “tried everything under the sun,” the Respondent’s program can help.
- f. That Respondent has found the “‘missing link’” that gets “‘miraculous results’” for many sufferers.
- g. That Respondent will provide a free EMG test. However, the free consultation coupon states that by law Respondent must charge \$27.00 for the exam for Medicare and Medicaid.

Charges

- 10) The above acts and/or circumstances constitute unprofessional conduct because the Respondent violated:
- a. 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession);
 - b. 26 V.S.A. §541(b)(1) (Advertising or making a representation relating to chiropractic which has a tendency to deceive the public, including advertising by a licensee which does not clearly state that the services advertised are being offered by a “chiropractor” or “chiropractic physician.”);

Understandings

- 11) Respondent understands that the Board of Chiropractic must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
- 12) Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 13) Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
- 14) Respondent voluntarily waives his right to a contested hearing before the Board of Chiropractic.

15) Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based upon the stipulation above, it is **ORDERED AND ADJUDGED** as follows:

A. Respondent's actions described above demonstrate grounds for discipline because Respondent violated:

- i. 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession);
- ii. 26 V.S.A. §541(b)(1) (Advertising or making a representation relating to chiropractic which has a tendency to deceive the public, including advertising by a licensee which does not clearly state that the services advertised are being offered by a "chiropractor" or "chiropractic physician.");

B. The Board of Chiropractic hereby **REPRIMANDS** the Respondent's chiropractic license.

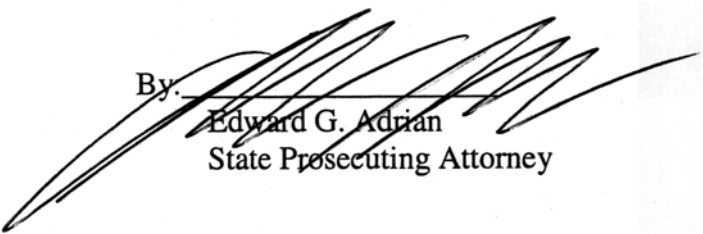
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 6/7/05

By: 
Edward G. Adrian
State Prosecuting Attorney

TIMOTHY FARRELL
RESPONDENT

Dated: _____

By: 
Timothy Farrell

APPROVED AS TO FORM:


Dated: 6/6/05

RESPONDENT'S ATTORNEY

By: 
Joshua Diamond, Esq.

APPROVED AND SO ORDERED: VERMONT BOARD OF CHIROPRACTIC

Dated: 9-6-05

By: 
Chairperson

Date of Entry: 9/8/05

ch.farrell3.stip

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF CHIROPRACTIC**

IN RE:)
TIMOTHY FARRELL, D.C.) **Docket No: CH01-0804**
License No. 006-0000989)

AMENDED SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Timothy Farrell, D.C.:

Board Authority

- 1) The Vermont Board of Chiropractic has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Chiropractic Physicians pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§521, 527, 529, 541 and; the Board of Chiropractic Laws and Rules; and the Office of Professional Regulation's Rules.
- 2) Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
- 4) Failing to practice competently by way of failure to conform to the essential standards of acceptable and prevailing practice is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(b)(2).
- 3) Willfully using advertising methods that are intended or have a tendency to deceive the public is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(2).
- 4) Willfully using advertising that make a representation relating to chiropractic services that is does not clearly state that the services advertised are being offered by a "chiropractor" or "chiropractic physician" is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §541(b)(1).

Facts

- 5) Respondent, Timothy Farrell, is a Chiropractic Physician holding license number 006-0000989 issued by the State of Vermont. Respondent's license was originally issued on November 25, 1996 and Respondent's license has a current expiration date of September 30, 2006.

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Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

- 6) At all times relevant, Respondent maintained a chiropractic practice in Jericho, Vermont.
- 7) In 2001 Respondent started placing advertisements in local papers to encourage people to call a 1 800 number to receive a free reports relating to the rights of individuals involved in a car accident. This advertisement did not state that the report was being offered by a chiropractor or chiropractic physician.
- 8) In 2001, Respondent began placing advertisements in local papers enticing Fibromyalgia suffers to call a 1 800 number to receive a free report that Respondent claimed would help in the treatment of Fibromyalgia. This advertisement did not state that the report was being offered by a chiropractor or chiropractic physician.
- 9) The report for car accident victims contained the following statements and/or claims:
- a. That many car accident victims will suffer for the rest of their lives due to ignorance and/or inappropriate care, and that by reading the report readers will learn how to prevent this from happening.
 - b. That the report reveals the truth about car accident injuries that insurance companies are trying to keep from individuals.
 - c. That the Respondent is a recognized and reputable doctor who should be seen to detect low impact, soft tissue injuries before discussing settlement with insurance companies.
 - d. That the report contains information that most other doctor's do not know about soft tissue injuries.
 - e. That medical science is under-trained and unequipped to diagnose soft tissue injuries but the Respondent can get patients out of pain as soon as possible.
 - f. That doctors know there are better treatments available than the ones they are currently prescribing, but that they will not discuss these with patients for fear of losing business, whereas Respondent will safely and effectively treat the injury.
 - g. That the only reason Respondent has an Electromyography (EMG) Unit in his office is to treat car accident victim's soft tissue injuries.
 - h. That by not documenting soft tissue injuries through the use of the EMG immediately, those injuries could get worse and more difficult to treat, and individuals may suffer a pecuniary loss as well.

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Office of
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- i. That the slightest injury, even one that patients do not currently suffer from may result in a “terrible condition” in the future known as osteoarthritis, the condition may become impossible to cure completely, and individuals may have to “foot the bill” to treat the condition.
- j. That it is vital for any child involved in a car accident to be evaluated to prevent them from being subjected to unnecessary pain, suffering, or physical problems later in life.
- k. That many doctors are not trained to diagnose and treat soft tissue injuries, and that almost any treatment another doctor will give you may be ineffective and even harmful.

That Respondent will provide a free EMG test. However, the free consultation “coupon” states that by law Respondent must charge \$25.00 for the exam for Medicare and Medicaid.

10) The report for fibromyalgia sufferers contained the following statements and/or claims:

- a. The report will tell readers how 1000’s of fibromyalgia sufferers are finally melting away their aches, pains, and chronic fatigue.
- b. The report contains the “secret” to end fibromyalgia suffering forever.
- c. The report contains “secret” information on fibromyalgia that the reader does not have and could change their life forever.
- d. The report contains the “ONE THING, above all others,” that can quite possibly end all of the reader’s fibromyalgia problems forever.
- e. That the Respondent believes he provides the “ULTIMATE possible solution” to fibromyalgia.
- f. That Respondent was “scouring the earth” to find the very best and the very latest advances in fibromyalgia.
- g. That what Respondent has found is the like the “‘fountain of youth’ for fibromyalgia sufferers.”
- h. That the Respondent searched for years before finding the “amazing system” created by a former fibromyalgia/chronic fatigue sufferer practicing in Encinitas, California.

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- i. That to the Respondent's best knowledge, no other doctors have even heard about, or are doing what Respondent is doing for fibromyalgia sufferers.
- j. Respondent knows the "insider's secret" to ending fibromyalgia suffering.
- k. "Almost overnight", individuals can start to benefit from Respondent's treatment.

That Respondent's free 3 minute EMG test is the "secret" most fibromyalgia sufferers never discover.

- m. Even if the reader has been to "100's of other doctors," "other chiropractors" and "tried everything under the sun," the Respondent's program can help.
- n. The Respondent's program is not a simple one, one that "can NOT be found anywhere else."
- o. That Respondent has found the "missing link" that gets "miraculous results" for many sufferers.
- p. That Respondent will provide a free EMG test. However, the free consultation coupon states that by law Respondent must charge \$27.00 for the exam for Medicare and Medicaid.

Charges

10) The above acts and/or circumstances constitute unprofessional conduct because the Respondent violated:

- a. 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession);
- b. 3 V.S.A. §129a(b)(2) (Failure to conform to the essential standards of acceptable and prevailing practice);
- c. 3 V.S.A. §129a (a)(2) (Advertising that is intended or has a tendency to deceive);
- d. 26 V.S.A. §541(b)(1) (Advertising or making a representation relating to chiropractic which is intended or has a tendency to deceive the public, including advertising by a licensee which does not clearly state that the services advertised are being offered by a "chiropractor" or "chiropractic physician.");

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Relief Requested

WHEREFORE, the license of Timothy Farrell, D.C. should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 10th day of May 2005.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

ch.farrell2.soc

STATE OF VERMONT



Prosecuting Attorney
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