

**BEFORE THE DELAWARE BOARD OF CHIROPRACTIC**

**IN RE: JAMES A. FERRARO**                    )  
  ) **Case No.: 06-01-13**  
**LICENSE NO.: F1-0000288**                )

**CONSENT AGREEMENT**

A written Complaint has been filed with the Delaware Board of Chiropractic (“Board”) alleging that James A. Ferraro (“Respondent”), a licensed chiropractor in the State of Delaware with an active license, has engaged in conduct which constitutes grounds for discipline under Chapter 7, Title 24 of the Delaware Code.

In order to avoid a formal disciplinary hearing before the Board, Respondent and the State enter into this Consent Agreement and submit it to the Board for review and approval to resolve this matter without the necessity of a formal disciplinary hearing and administrative prosecution before the Board pursuant to 24 *Del.C.* Ch. 7 and 29 *Del.C.* Ch. 101.

**IT IS UNDERSTOOD AND AGREED THAT:**

1. James A. Ferraro, D.C. (“Respondent”) is a licensed chiropractor in the State of Delaware. His license, number F1-0000288, was issued in 1990 and is active.
2. In all times relevant, Respondent practiced out of Park Place Chiropractic in Newark, DE.
3. In 2006, Respondent began treating a female patient, A.R., following an injury she sustained in a car accident.
4. In 2008, while still a patient of Respondent, A.R. began a sexual relationship with Respondent. The relationship ended in late 2012.
5. During the period of the relationship, A.R. lent the Respondent in excess of \$2,000.00.

6. On or between September 1, 2011 and January 31, 2013, Respondent improperly and illegally obtained prescriptions for Lorazepam from multiple practitioners at multiple pharmacies.

7. On or about March 18, 2013 Respondent was arrested and charged with three counts of Obtaining a Controlled Substance by Misrepresentation, Fraud, Forgery, Deception or Subterfuge.

8. On or about April 11, 2013 Respondent pled guilty to one count of Obtaining a Controlled Substance by Misrepresentation, Fraud, Forgery, Deception or Subterfuge and entered the Drug Court Diversion Program.

9. On or about September 26, 2013 Respondent completed the Drug Court Diversion Program and the remaining count of Obtaining a Controlled Substance by Misrepresentation, Fraud, Forgery, Deception or Subterfuge was dismissed.

10. Respondent, through his unprofessional conduct alleged in paragraphs four through eight herein, violated:

a. 24 *Del. C.* § 711(b)(3) in that his conduct was dishonorable or unethical and likely to deceive, defraud or harm the public; and

b. 24 *Del.C.* § 711(b)(6) in that he has excessively used or abused drugs.

c. 24 *Del. C.* § 711(b)(12) in that he engaged in misconduct, incompetence or gross negligence in the practice of chiropractic.

d. 24 *Del.C.* § 711(b)(14) in that he violated Board of Chiropractic Rule (“Rule”) 6.3 by engaging in unprofessional conduct with a Patient, Employee or Co-worker.

11. Respondent admits that the facts contained in paragraphs one (1) through ten (10) herein are true and correct.

12. Respondent and the State agree that as an appropriate disciplinary sanction for his conduct, Respondent's license shall be suspended for one year. This suspension shall be stayed immediately and Respondent's license shall be put on probation for a period of three (3) years. The three-year probationary period shall begin on the date the Board of Chiropractic enters this Consent Agreement as an Order of the Board.

13. During the period of probation, Respondent shall complete extra Continuing Education courses of at least five (5) hours in the following areas: two (2) hours in the area of drug and alcohol addiction and three (3) hours in the area of proper patient boundaries. The five hours are in addition to the continuing education hours required by Rule 2.

14. The following conditions will apply during the period of probation:

- a. The period of probation will run concurrent with periods of chiropractic employment only;
- b. Respondent shall notify the Board within ten days of any change in his residential address;
- c. Respondent shall notify the Board of all chiropractic employment and any change thereto within ten days of such change;
- d. Respondent shall inform all employers that the Board has placed his license on probation and shall provide all employers with a copy of this Order.
- e. Respondent shall provide quarterly documentation of clean urine screens to the Board.
- f. Respondent shall provide the Board with a written self-evaluation status report before the end of his probationary period, the contents of which shall meet the approval of the Board.

g. In the event of Respondent's noncompliance with the terms of probation, the Board has discretion to modify the probationary conditions, impose additional conditions prior to lifting the probation or suspend Respondent's chiropractic license; and

h. The Board has the discretion to remove any term of probation at any time as the Board sees fit.

15. The parties to this Consent Agreement are the State of Delaware and Respondent.

16. The parties agree and acknowledge that nothing contained in this Consent Agreement shall affect any rights or interests of any person not a party to this Agreement.

17. Respondent acknowledges that he is waiving his rights under 24 *Del. C.* Ch. 7 and 29 *Del. C.* Ch. 101 to a hearing before the Board prior to the imposition of disciplinary sanctions.

18. Respondent acknowledges that he has carefully read and understands this Consent Agreement, and is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive the advice of counsel.

19. Respondent acknowledges that this Consent Agreement is a public record within the meaning of 29 *Del. C.* § 10002 and will be available for public inspection and copying as provided for by 29 *Del. C.* § 10003.

20. The parties acknowledge and agree that this Consent Agreement is subject to approval by the Board.

21. The parties acknowledge and agree that if the Board does not accept this Consent Agreement, it shall have no force or effect, except as follows:

a. Neither Respondent, nor anyone on his behalf, will in any way or in any forum challenge the ability of the Board or any of its members to conduct an evidentiary

hearing relating to the allegations in the subject Complaint;

- b. The Consent Agreement, or conduct or statements made in negotiating the Consent Agreement, will be inadmissible at any administrative, civil or criminal legal proceeding; and
- c. No provision contained in the Agreement shall constitute or have the effect of an admission by the Respondent as to any fact alleged in the Complaint in this matter or in this Agreement.

22. If the Board accepts the Consent Agreement and enters it as an Order, the Consent Agreement shall be admissible as evidence at any future proceedings before the Board.

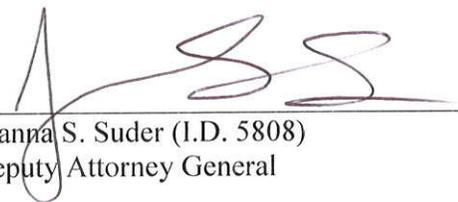
23. Respondent understands and acknowledges that the Board will report this consent Agreement to the licensing authority of any other state in which he is licensed to practice.

24. The parties acknowledge and agree that this Consent Agreement, along with any exhibits, addendums, or amendments hitherto, encompasses the entire agreement of the parties and supersedes all previous understandings and agreements between the parties, whether oral or written. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

25. This Consent Agreement shall be effective upon acceptance by the Board and entry of the Board's Order.



James A. Ferraro  
Respondent



Joanna S. Suder (I.D. 5808)  
Deputy Attorney General

Dated: 10-21-13

Dated: 10/22/13

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ORDER

WHEREAS, the Delaware Board of Chiropractic has reviewed this matter and hereby approves the Consent Agreement of the parties, and enters it now as an Order of the Delaware Board of Chiropractic;

IT IS SO ORDERED this 3rd day of April, 2014.





Lois J. Dunning

Gill - OPPOSED

