

STATE OF MAINE
BOARD OF CHIROPRACTIC LICENSURE

IN RE:)
)
 CLIFFORD L. FALDMAN, D.C.) CONSENT AGREEMENT
)
 Complaint Nos. 2006-CHI-3068, 3084, 3085)
 2008-CHI-4740, 4760)

PARTIES

This document is a Consent Agreement regarding Clifford L. Faldman’s license to practice chiropractic in the State of Maine. The parties to this Consent Agreement are: Clifford L. Faldman, D.C. (“Dr. Faldman”), the State of Maine Board of Chiropractic Licensure (“the Board”), and the Maine Office of the Attorney General (“the Attorney General”). This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 5 M.R.S. § 191.

FACTS

1. Dr. Faldman has been licensed by the Board as a doctor of chiropractic, license no. CR 537, and was licensed as such between September 24, 2008 and March 19, 2009.
2. Dr. Faldman has been the subject of a consent agreement by the Board dated January 24, 2008 (2006-CHI-3068, 3084 and 3085) and a decision and order by the Board dated October 8, 2008 (2008-CHI-4740, 4760).
3. Paragraph 40(c) of the consent agreement states the following:

Dr. Faldman shall receive counseling commencing within thirty (30) days of the date of final execution of this Second Consent Agreement pursuant to a plan provided by a professional and submitted to the Board. The professional shall be a doctorate level clinician (psychologist or psychiatrist) with familiarity regarding issues of sexual boundaries. This professional shall be approved by the Board’s complaint officer and shall submit status reports to the Board every three (3) months commencing on April 24, 2008. The final determination of the success or

need for additional counseling shall be made by the Board.

4. On September 24, 2008, the Board held an adjudicatory hearing and determined that Dr. Faldman had not complied with paragraph 40(c) of the consent agreement because he did not receive the bulk of his sexual boundaries counseling with a professional who held a doctorate degree, and that the treatment provider did not provide the required treatment plan.
5. As a result of the adjudicatory hearing, the Board issued the decision and order dated October 8, 2008, which states the following in paragraph III(1):

Dr. Clifford Faldman shall abide by the terms of the January 24, 2008 Consent Agreement except as follows. First, he shall submit to the Complaint Committee for Board pre-approval, within 60 days of the date of this Decision and Order, a list of the names and contact numbers of at least 2 individuals to serve as his counselor who are not current or former patients and with whom he does not and has not had a social or business/professional relationship. The complaint committee shall investigate the qualifications of the nominees and report to the Board which will make the final determination. The provider must consent to be the counselor in this matter. Before consenting, the provider shall certify that he/she has read the Consent Agreement and this Decision and Order which shall be forwarded by the Board to the provider and form the basis for the treatment plan. The provider shall be a doctorate level clinician (psychologist or psychiatrist) with familiarity regarding issues of sexual boundaries and shall submit the treatment plan within 60 days from this Decision and Order and subsequently submit status reports to the Board every three (3) months from the date of the first session which shall be held within 60 days from the date of this Decision and Order. Until such counselor is approved, Dr. Faldman shall continue counseling with his present counselors. The final determination of the success or need for additional counseling shall be made by the Board.

6. Dr. Faldman did timely submit the names of three individuals who met the qualifications listed in paragraph III(1) of the decision and order. Of these three individuals, the Board approved one individual, a psychologist, to treat Dr. Faldman.
7. The selected psychologist initially agreed to treat Dr. Faldman, and asked that Dr. Faldman contact him by telephone within 48 hours of his being approved as the treatment provider.

8. Dr. Faldman failed to contact the psychologist within 48 hours because Dr. Faldman was out of state. Dr. Faldman's attorney indicated to the psychologist that Dr. Faldman would call him on the following Monday. Dr. Faldman failed to do so.
9. Although the psychologist initially agreed to treat Dr. Faldman, after Dr. Faldman failed to call him, and after a more thorough review of the documents regarding Dr. Faldman's situation, the psychologist declined to treat him because of his significant concerns about Dr. Faldman's level of motivation to engage in treatment, including his failure to contact the psychologist in the time period given.
10. On March 19, 2009, the Board voted to impose an emergency suspension of Dr. Faldman's license to practice chiropractic pursuant to 5 M.R.S. § 10004(3), and voted to offer this Consent Agreement.
11. Absent acceptance of this consent agreement by signing it and dating it and sending it to Cathy Neumann, Complaint Coordinator, Office of Licensing and Registration, 35 State House Station, Augusta, Maine 04333-0035 by ~~April 30, 2009~~ ^{June 10 C/L}, the Board will resolve this matter by holding an adjudicatory hearing beginning on ~~April 15, 2009~~ ^{June 10 C/L 9:00 am C/L} at ~~1:30 p.m.~~

COVENANTS

12. Dr. Faldman admits to facts stated above and admits that such conduct constitutes a violation of 10 M.R.S. § 8003(5-A)(A)(9), failure to comply with an order or agreement of a board.
13. Dr. Faldman agrees to the following conditions:
 - a. Dr. Faldman's license to practice chiropractic is REVOKED for a period of at least six (6) months beginning on the date of final execution of this Consent

Agreement;

- b. During that six (6) month time period, Dr. Faldman shall seek out his own treatment provider. That treatment provider must meet the following criteria:
 - i. Be a doctorate level clinician (psychologist or psychiatrist);
 - ii. Be familiar regarding issues of sexual boundaries;
 - iii. Be someone who does not and has not had a social or business/professional relationship with Dr. Faldman.
- c. Dr. Faldman shall:
 - i. Obtain approval of the treatment provider from the Board complaint committee prior to commencing treatment with that provider and within thirty (30) days from final execution of this Consent Agreement;
 - ii. Sign a release of information to allow the Board or a designee of the Board to obtain confidential information regarding Dr. Faldman's treatment;
 - iii. See the treatment provider on a schedule set by the treatment provider;
 - iv. Follow any and all recommendations of the treatment provider.
- d. Dr. Faldman shall not request that the Board reinstate his license prior to six (6) months from final execution of this Consent Agreement. In order for the Board to reinstate Dr. Faldman's license, Dr. Faldman must submit documentation satisfactory to the Board from the treatment provider

indicating that Dr. Faldman has adequately addressed his sexual boundaries issues and a recommendation satisfactory to the Board that Dr. Faldman resume the practice of chiropractic.

- e. During the time that Dr. Faldman's license is revoked, the period of probation set forth in the consent agreement dated January 24, 2008 and the decision and order dated October 8, 2008 is tolled, and will resume when Dr. Faldman's license to practice chiropractic is reinstated by the Board.
- f. During the time that Dr. Faldman's license is revoked, he is still responsible for following the payment schedule for costs ordered in the October 8, 2008 decision and order.

- 14. Any violation of any of the terms or conditions of this Consent Agreement by Dr. Faldman shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of licensure or re-licensure.
- 15. Pursuant to 10 M.R.S. § 8003(5)(A-1)(2-A) the Board and Dr. Faldman agree that the Board has the authority to issue an order modifying, suspending, or revoking his license in the event that he fails to comply with any of the terms of this Consent Agreement.
- 16. This Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto.
- 17. The Board and the Attorney General may communicate and cooperate regarding any matter related to this Consent Agreement.
- 18. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.

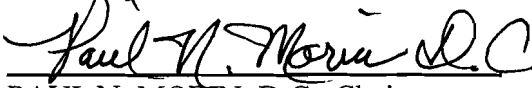
19. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
20. Dr. Faldman acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will, that no promises have been made to him outside of the written terms and conditions of this Consent Agreement, and that he agrees to abide by all terms and conditions set forth herein.

DATED: 6-10-09




CLIFFORD L. FALDMAN, D.C.

DATED: 6/10/2009



PAUL N. MORIN, D.C., Chairperson
Board of Chiropractic Licensure

DATED: 6-10-09



CARRIE L. CARNEY
Assistant Attorney General