



STATE OF WISCONSIN
Department of Safety and Professional Services
1400 E Washington Ave.
Madison WI 53703

Mail to:
PO Box 8935
Madison WI 53708-8935

Email: dsps@wisconsin.gov
Web: <http://dsps.wi.gov>

Governor Scott Walker Secretary Dave Ross

Voice: 608-266-2112 • FAX: 608-267-3816 • TTY: 608-267-2416

Chiropractic Examining Board
Room 122, 1400 E. Washington Avenue, Madison
Contact: Kelli Kaalele * 608-266-2112
March 29, 2012

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board.

SCREENING PANEL
8:00 A.M.

1. Call Open Session to Order
2. Convene To Closed Session to consider discipline (s. 19.85(1)(B), Stats., and to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.
 - a. Screen complaints received from the public against credential holders. The panel consists of 3 Board members and Department Staff.
3. Reconvene to Open Session
4. Vote on Items Considered or Deliberated Upon In Closed Session
5. Adjournment

FULL BOARD MEETING
8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes – January 26, 2012 (5-8)**
- C. Executive Director Matters**
- D. Presentation of Proposed Stipulations, Final Decisions and Orders by the Division of Enforcement including any received after printing of the agenda**
 - 1) 10 CHI 055 – Gary W. Hutchinson, D.C. (13-20)
 - a) Attorney: Susan Gu
 - b) Case Advisor: Wendy Henrichs, D.C.
 - 2) 11 CHI 016 - Danny B. Futch, D.C. (21-26)
 - a) Attorney: Susan Gu
 - b) Case Advisor: Mania Moore
- E. Board Discussion Items including any received after printing of agenda**
 - 1) Division of Enforcement Matters
 - 2) **Education and Examination Matters**
 - a. Update Relative to Practical Examination Development
 - b. 2013 Chiropractic Licensure Exam Dates

- 3) **Credentialing Matters**
 - a. CT/CRT Minimum Age Requirement
- 4) **Practice Question Matters**
 - a. HCG discussion (9-12)
- 5) **Legislation/Administrative Rule Matters**
 - a. Discussion and Action related to 2011 Senate Bill 453 related to General Department Responsibilities (13-16)
- 6) Liaison/Committee Reports
- 7) Speaking Engagement, Travel, Public Relation Requests

F. Informational Items

G. New Business

H. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)

I. Deliberation of Proposed Stipulations, Final Decisions and Orders including any received after printing of the agenda

- 1) 10 CHI 055 – Gary W. Hutchinson, D.C. (17-24)
 - a) Attorney: Susan Gu
 - b) Case Advisor: Wendy Henrichs, D.C.
- 2) 11 CHI 016 - Danny B. Futch, D.C. (25-30)
 - a) Attorney: Susan Gu
 - b) Case Advisor: Mania Moore

J. Deliberation of other items including any received after printing of agenda

- 1) **Case Closings**
 - a) 10 CHI 033 (31-38)
 - b) 10 CHI 043 (39-42)
 - c) 10 CHI 047 (43-46)
 - d) 11 CHI 001 (47-52)
 - e) 11 CHI 050 (53-56)
 - f) 11 CHI 053 (57-60)
- 2) Case Status Report
- 3) Proposed Decisions
- 4) Summary Suspensions
- 5) Objections and Responses to Objections
- 6) Complaints
- 7) **Administrative Warnings**
 - a) 11 CHI 041 (61-64)
- 8) Matters Relating to Costs
- 9) **Monitoring Cases**
 - a) James Schiavo, D.C. – Request for Removal of Suspension (65-74)
- 10) Appearances from Requests Received or Renewed
- 11) Examination Matters
- 12) **Application Matters**
 - a) Chiropractic Technician

- 1) Tina Moen (75-96)
 - 2) Michelle Venske (97-106)
 - b) Endorsement
 - 1) Jennifer Dotto, D.C. (107-120)
 - c) Preceptor
 - 1) Randal Arnold, D. C. (121-134)
 - 2) Curt Draeger, D.C. (135-142)
- 13) **Continuing Education Matters**
 - a) R.S. (143-146)
 - b) S.T. (147-150)
- 14) Professional Assistance Program Cases
- 15) Motions

K. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

L. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

M. Other Board Business

N. Next Meeting Date: May 24, 2012

ADJOURNMENT

Page intentionally left blank

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
JANUARY 26, 2012**

Present: James Koshick, Mania Moore, John Church, Wendy Henrichs and Jodi Griffith

Present by

Teleconference: Kathleen Schneider (*joined the meeting at 9:26 a.m.*)

Staff: Denise Aviles, Bureau Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant; and other Department staff

Wendy Henrichs, Board Chair, called the meeting to order at 8:42 a.m. A quorum of 5 members was confirmed.

ADOPTION OF AGENDA

Amendments

- Remove E(1) – Stipulation 10 CHI 055
- Remove J(1) – Stipulation 10 CHI 055
- Add K(1)(a) – Case Closing - 10 CHI 003

MOTION: James Koshick moved, seconded by Mania Moore, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

Corrections

- Under Elections
 - Correct the first motion to read "...cast a unanimous ballot for Wendy Henrichs."
- Under Case Closings
 - Correct the motion to remove the first word "case."

MOTION: James Koshick moved, seconded by Mania Moore, to approve the minutes of November 17, 2011 as corrected. Motion carried unanimously.

EXECUTIVE DIRECTOR MATTERS

Denise Aviles asked for the annual Board appointments. Wendy Henrichs made the following Board appointments for 2012.

Screening Panel – Kathleen Schneider, Jodi Griffith and James Koshick (Mania Moore – Alternate)

Preceptor Liaison – Jodi Griffith

Practical Exam Liaison – James Koshick

Exam Workgroup – Wendy Henrichs, Jodi Griffith and James Koshick

CE Liaison – John Church and Wendy Henrichs

Credentialing Liaison – Jodi Griffith

Monitoring Liaison – James Koshick

Discipline Reference Sheet Committee – James Koshick and Mania Moore

Denise Aviles conducted the annual policy review and asked Board members to submit the completed signature page to Michelle Solem.

BOARD DISCUSSION

CREDENTIALING MATTERS

MOTION: James Koshick moved, seconded by John Church, to approve the preceptors as submitted. Motion carried unanimously.

PUBLIC COMMENTS

There were no public comments.

CLOSED SESSION

MOTION: Mania Moore moved, seconded by Jodi Griffith, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Jodi Griffith - yes; James Koshick - yes; John Church - yes; Wendy Henrichs - yes; Mania Moore – yes. Motion carried unanimously. Open session recessed at 9:03 a.m.

Kathleen Schneider joined the meeting at 9:26 a.m.

RECONVENE TO OPEN SESSION

MOTION: James Koshick moved, seconded by Mania Moore, to reconvene in open session at 11:29 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

CASE CLOSINGS

MOTION: Jodi Griffith moved, seconded by John Church, to close the following case according to the recommendation by the Division of Enforcement:
a. 10 CHI 003
Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MOTION: Jodi Griffith moved, seconded by John Church, to issue the Administrative Warnings in the matters of 08 CHI 065 and 11 CHI 035. Motion carried unanimously.

MONITORING

MOTION: James Koshick moved, seconded by Jodi Griffith, to deny the respondents request in case 08 CHI 040 and 10 CHI 044 to complete an alternative course. Respondents are expected to sit for the 2/2/12 NBCE Ethics and Boundaries Examination if permitted by NBCE. If they are not permitted to sit for the 2/2/12 exam, Respondents are given an extension to complete the exam at the 4/5/12 exam administration. No further extensions will be granted. Motion carried unanimously.

MOTION: James Koshick moved, seconded by Mania Moore, to immediately suspend the license of James Schiavo, D.C. for failure to comply with the Board's order dated 08/11/11. Respondent shall appear before the Board before a request to lift or stay the suspension will be considered. Motion carried unanimously.

TRAVEL MATTERS

MOTION: Kathleen Schneider moved, seconded by Mania Moore, to designate James Koshick as the Board's delegate and Jodi Griffith as the alternate delegate, to attend the FCLB and NBCE 2012 Annual Meetings on behalf of the Board. Motion carried unanimously.

Wendy Henrichs noted that the Board was very appreciative of the case summary reports that were received. The Board also asked for a summary report for monitoring cases as well, if possible.

ADJOURNMENT

MOTION: James Koshick moved, seconded by Mania Moore, to adjourn the meeting at 11:39 a.m. Motion carried unanimously.

Page intentionally left blank

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Wendy Henrichs		2) Date When Request Submitted: March 14, 2012 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: March 29, 2012	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? HCG Discussion	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
Michelle Solem (on behalf of Wendy Henrichs)			
_____ Signature of person making this request			_____ Date
_____ Supervisor (if required)			_____ Date
_____ Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			_____ Date
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

HCG Diet Products Are Illegal

Anyone who has ever been on a diet—and there are many of us—knows that there are sensible ways to lose weight. These include balanced diets, exercising and realistic goals.

And then there are reckless ways to shed pounds—fads and diet aids that promise rapid weight loss, but often recommend potentially dangerous practices. These include HCG weight-loss products marketed over-the-counter (OTC) that are identified as "homeopathic" and direct users to follow a severely restrictive diet.

The Food and Drug Administration (FDA) is advising consumers to steer clear of these "homeopathic" human chorionic gonadotropin (HCG) weight-loss products. They are sold in the form of oral drops, pellets and sprays and can be found online and in some retail stores.

FDA and the Federal Trade Commission (FTC) have issued seven letters to companies warning them that they are selling illegal homeopathic HCG weight-loss drugs that have not been approved by FDA, and that make unsupported claims.

(For the list of manufacturers, distributors and products—and more information about FDA's concerns about HCG—visit www.fda.gov/hcgdiet⁵.)

HCG Makes Big Claims

HCG is a hormone that is produced by the human placenta during pregnancy.

Products that claim to contain HCG are typically marketed in connection with a very low calorie diet, usually one that limits calories to 500 per day. Many of these popular HCG products claim to “reset your metabolism,” change “abnormal eating patterns,” and shave 20-30 pounds in 30-40 days.

“These products are marketed with incredible claims and people think that if they're losing weight, HCG must be working,” says Elizabeth Miller, acting director of FDA's Division of Non-Prescription Drugs and Health Fraud. “But the data simply does not support this; any loss is from severe calorie restriction. Not from the HCG.”

HCG is approved by FDA as a prescription drug for the treatment of female infertility, and other medical conditions. It is not approved for weight loss. In fact, the prescription drug label notes there “is no substantial evidence that it increases weight loss beyond that resulting from caloric restriction, that it causes a more attractive or ‘normal’ distribution of fat, or that it decreases the hunger and discomfort associated with calorie-restricted diets.”

HCG is not approved for OTC sale for any purpose.

A Potentially Dangerous Diet

Living on 500 calories a day is not only unhealthy—it's hazardous, according to FDA experts. Consumers on such restrictive diets are at increased risk for side effects that include gallstone formation, an imbalance of the electrolytes that keep the body's muscles and nerves functioning properly, and an irregular heartbeat.

Shirley Blakely, a nutritionist at FDA's Center for Food Safety and Applied Nutrition, echoes concerns about such restrictive diets. They can be dangerous, she says, and potentially fatal.

Very low calorie diets are sometimes prescribed by health care professionals for people who are moderately to extremely obese as part of medical treatment to lessen health conditions caused by obesity, like high blood pressure. But even then, strict—and constant—medical supervision is needed to ensure that side effects are not life threatening, says Blakely.

Without medical oversight, consumers on very low calorie diets may not be getting enough vitamins, minerals and—most critically—protein.

“In general, the reference (average) calorie level is 2,000,” says Blakely. “If you want to lose weight, reduce your daily intake by 500 calories. Over the course of a week, that equals 3500 calories, which is the loss of a pound. Gradual weight loss is the way to do it.”

Story Started Decades Ago

Miller explains that HCG was first promoted for weight loss in the 1950s. “It faded in the 1970s, especially when it became apparent that there was a lack of evidence to support the use of HCG for weight loss,” she says.

The diet has become popular again and FDA and FTC are taking action on illegal HCG products. “You cannot sell products claiming to contain HCG as an OTC drug product. It's illegal,” says Brad Pace, team leader and regulatory counsel at FDA's Health Fraud and Consumer Outreach Branch. “If these companies don't heed our warnings, they could face enforcement actions, legal penalties or criminal prosecution.”

Elisabeth Walther, a pharmacist at FDA, explains that the agency does not evaluate homeopathic drug products for safety or effectiveness, and is not aware of any scientific evidence that supports homeopathy as effective. However, those that meet certain conditions set by FDA can be marketed. A reference document called the Homeopathic Pharmacopoeia of the United States lists active ingredients that may be legally included in homeopathic drug products.

“HCG is not on this list and therefore cannot be legally sold as a homeopathic medication for any purpose,” Walther says.

FDA advises consumers who have purchased homeopathic HCG for weight loss to stop using it, throw it out, and stop following the dieting instructions. Harmful effects should be reported online to [FDA's MedWatch program](#)⁶ or by phone at 800-FDA-1088 (800-332-1088) and to the consumer's health care professional.

This article appears on [FDA's Consumer Updates page](#)⁷, which features the latest on all FDA-regulated products.

Dec. 6, 2011

<http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm281333.htm>

Page intentionally left blank

Business & Design Professions Bureau-
Relevant Sections of 2011 SB 453

2011 - 2012 LEGISLATURE

2011 SENATE BILL 453

February 9, 2012 - Introduced by Senator LEIBHAM, cosponsored by Representative RIVARD. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

Analysis by the Legislative Reference Bureau

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

This bill makes various changes to the authority and responsibilities of the Department of Safety and Professional Services (DSPS).

OCCUPATIONAL REGULATION

1.) [GENERAL] Under current law, DSPS may not issue or renew certain licenses that are specifically referred to in the statutes to applicants who are delinquent in family or child support payments or in payment of state taxes. This bill expands the scope of the types of licenses for which issuance or renewal must be denied due to support or tax delinquency to include all of the occupational and professional licenses issued by DSPS.

Under current law, DSPS may conduct investigations, hold hearings, and make findings to determine whether a person has engaged in a practice or used a professional title without a required credential. If, after holding a hearing, DSPS determines that the person does not have the appropriate credential, DSPS may issue a special order prohibiting the person from continuing the practice or using the title. DSPS may issue a temporary restraining order in lieu of holding a hearing if DSPS has reason to believe that the person has engaged in a practice or used a title without a required credential. If a person against whom a special order has been issued violates that order, the person is subject to forfeitures. If a person against whom a temporary restraining order has been issued violates that order, the person is subject to fines or imprisonment or both.

This bill clarifies that the authority granted to DSPS to impose fines or forfeitures against or imprison a person who has engaged in a practice or used a title without holding the appropriate credential is separate from and in addition to the authority granted to the various boards to enforce the laws and regulations applicable to the professions regulated by those boards.

Currently, DSPS requires by rule that a person who holds a credential issued by DSPS send a notice to DSPS within 48 hours of his or her conviction of a crime.

This bill places that requirement in the statutes.

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

*****Denise's note:** The following provisions apply in general to all professions regulated under DSPS and affiliated Boards]***

SECTION 154. 440.03 (13) (am) of the statutes is created to read:

440.03 (13) (am) A person holding a credential under chs. 440 to 480 who is convicted of a felony or misdemeanor anywhere shall send a notice of the conviction by 1st class mail to the department within 48 hours after the entry of the judgment of conviction. The department shall by rule determine what information and documentation the person holding the credential shall include with the written notice.

SECTION 155. 440.19 of the statutes is created to read:

440.19 Voluntary surrender of license, permit, or certificate. A person who holds a license, permit, or certificate of certification or registration issued under chs. 440 to 480 may voluntarily surrender that license, permit, or certificate of certification or registration. The department, examining board, affiliated credentialing board, or board of the department that issued the license, permit, or certificate of certification or registration may refuse to accept that surrender if a complaint has been filed or disciplinary proceeding has been commenced against the person under s. 440.20.

SECTION 156. 440.21 (4) (a) of the statutes is amended to read:

440.21 (4) (a) Any Notwithstanding any other provision of chs. 440 to 480 relating to fines, forfeitures, or imprisonment, any person who violates a special order issued under sub. (2) may be required to forfeit not more than \$10,000 for each offense. Each day of continued violation constitutes a separate offense. The attorney general or any district attorney may commence an action in the name of the state to recover a forfeiture under this paragraph.

SECTION 157. 440.21 (4) (b) of the statutes is amended to read:

440.21 (4) (b) Any Notwithstanding any other provision of chs. 440 to 480 relating to fines, forfeitures, or imprisonment, any person who violates a temporary restraining order or an injunction issued by a court upon a petition under sub. (3) may be fined not less than \$25 nor more than \$5,000 or imprisoned for not more than one year in the county jail or both.

SECTION 158. 440.26 (2) (c) 5. of the statutes is created to read:

440.26 (2) (c) 5. The department may, based on rules adopted by the department, refuse to issue a license under this section to an individual who has committed any of the acts described in sub. (6) (a) 1. to 5.

SECTION 241. Effective dates. This act takes effect on the 30th day after the day of publication, except as follows:

- (1) SECTION 239 of this act takes effect on the day after publication.

Business & Design Professions Bureau-
Relevant Sections of 2011 SB 453

(END)