

CHIROPRACTIC EXAMINING BOARD



DIVISION OF LEGAL SERVICES and COMPLIANCE

ANNUAL REPORT

(January 1, 2013 – December 31, 2013)

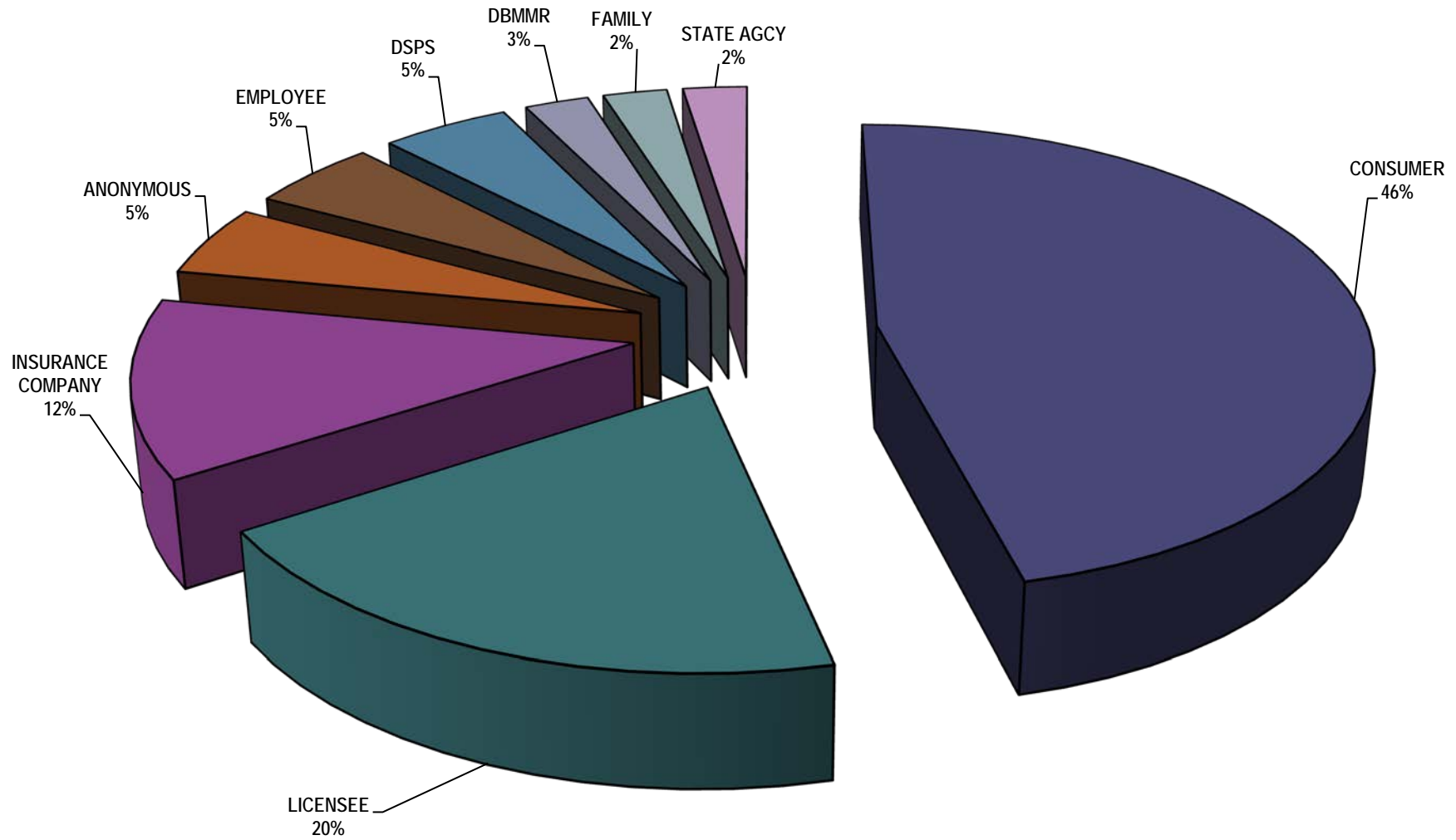
DIVISION OF LEGAL SERVICES AND COMPLIANCE

The Division of Legal Services and Compliance (DLSC) provides legal services to professional boards, regulated industries and the department regarding the investigation and discipline of licensed credential holders for violations of professional regulations. The Division is also responsible for the complaint intake process, monitoring compliance with disciplinary orders, administering a confidential program for impaired professionals (Professional Assistance Procedure/PAP), and conducting business inspections for pharmacies, drug distributors and manufacturers, funeral establishments, and barber and cosmetology establishments and schools.

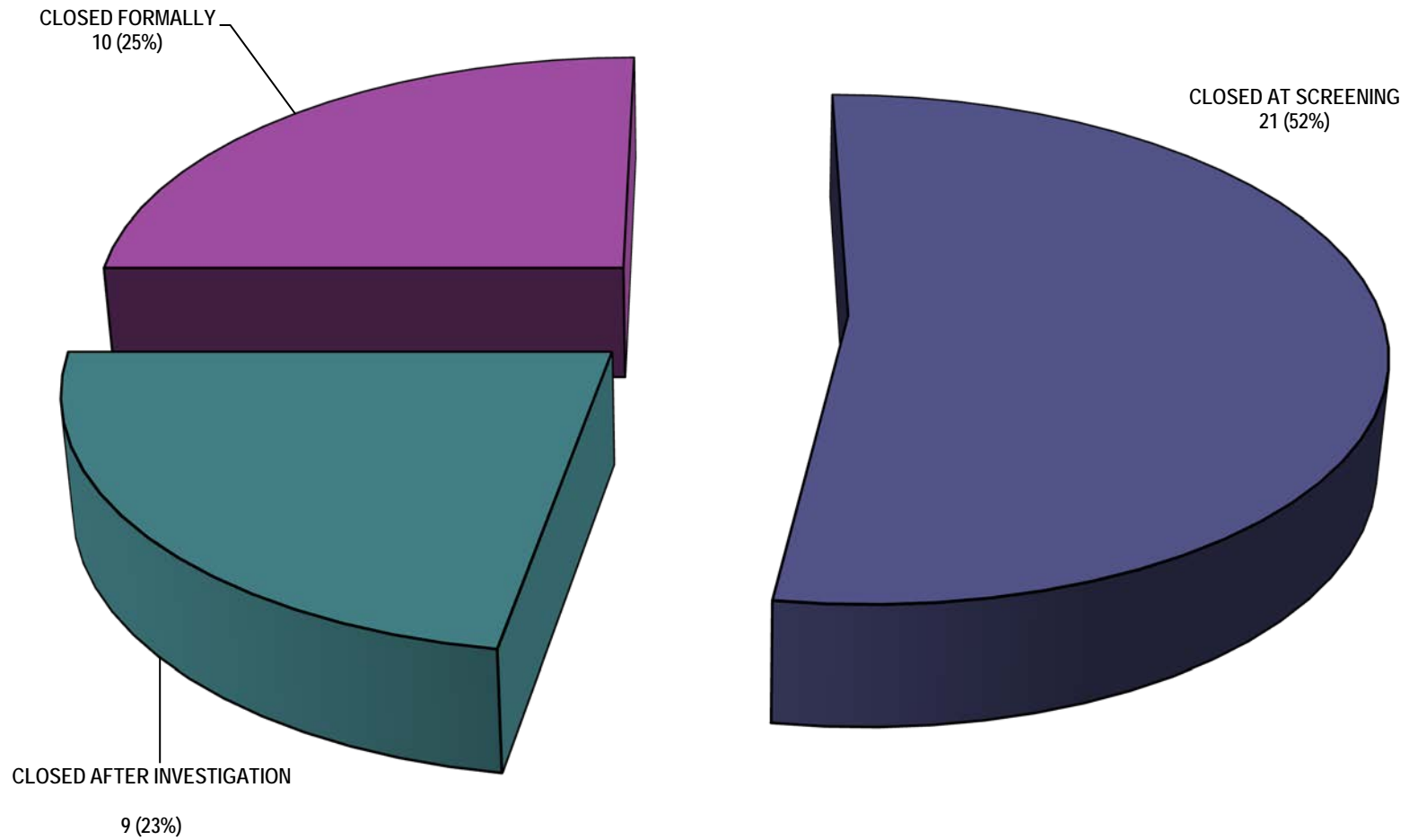
Key DLSC Statistics/Information for 2013 for the Chiropractic Examining Board (CHI) include:

- Complaints Received: **41**
- Of the 41 complaints received, **21 (51%)** were **closed at screening**
- Complaints Resolved:
 - Respondents/cases **Closed Formally: 10**
 - Respondents/cases **Closed after Investigation** (without a Formal Order): **9**
 - Respondents/cases **Closed by the Board's Screening Panel: 21**
- Administrative Warnings issued: **1**
- Primary sources of complaints originated from **consumers, licensees**
- Most common disciplines issued included **reprimands, license limitations and suspensions.**
- Chiropractors being monitored for compliance with disciplinary orders: **23** (as of May 1, 2014)
- Chiropractors enrolled in the Professional Assistance Procedure: **0** (as of May 1, 2014)
- Wisconsin "Lean Government" Initiative - A paperless initiative for the Chiropractic Examining Board Screening Panel is in the process of being implemented

CHIROPRACTIC EXAMINING BOARD
SOURCE OF COMPLAINTS
(JANUARY 1, 2013 - DECEMBER 31, 2013)



CHIROPRACTIC EXAMINING BOARD
CLOSURES FROM JANUARY 1, 2013 - DECEMBER 31, 2013



CHIROPRACTIC EXAMINING BOARD
ALLEGATIONS FROM COMPLAINTS RECEIVED
(January 1, 2013 - December 31, 2013)

COMPLAINT ID	ALLEGATION(s)
13 CHI 001	Complainant alleges that Respondent had a sexual relationship with Complainant's wife while she was a patient of Respondent's. Respondent transferred a sexually transmitted disease to Complainant's wife. Complainant's wife is now an ex-wife and is married to Respondent.
13 CHI 002	Respondent practiced without a current license for a short period of time.
13 CHI 003	Respondent is having Complainant do therapy on patients. Complainant has signed reports, etc. all before she was licensed to do so. Complainant claims that Respondent files false insurance papers and has hidden records on patients.
13 CHI 004	Complainant alleges that Respondent's name of his practice is infringing on his practice name registry and may confuse people. Complainant also alleges that Respondent is maybe practicing beyond the limits of his license.
13 CHI 005	Respondent made inappropriate comments at the Chiropractic Society of Wisconsin South East District meeting.
13 CHI 006	Complainant is complaining that Respondent is allowing for over-exposed x-rays to keep happening. Complainant is also being entered as a respondent because he is working with an expired license.
13 CHI 007	Complainant received a bill for an evaluation which he never requested or received.
13 CHI 008	Complainant is informing us their client's malpractice report. The patient alleged that she sustained a fractured rib during treatment. Payment: \$5,000.00
13 CHI 009	Advertizing violations.
13 CHI 010	Respondent is not providing Complainant's new doctor with her records. Complainant also says that Respondent is currently in jail.
13 CHI 011	Respondent is the owner of a clinic and is allowing unlicensed people to provide basic services to patients.
13 CHI 012	Respondent has been submitting bills for services and charges far in excess of Complainant's company's normal experience.
13 CHI 013	Respondent has been submitting billings for practicing even though his license has been expired.
13 CHI 014	Complainant feels that Respondent's bills are in excess. That he was billed for things on every appointment that did not actually happen. Also, Respondent F was allowed to work on Complainant when he was not licensed and inadequate supervision by Respondent Z.
13 CHI 015	Advertising violations.
13 CHI 016	Respondent is refusing to see Complainant because she is on Medicare.
13 CHI 017	Complainant alleges that Respondent, who was Complainant's step-father, sexually assaulted her when she was a teenager.
13 CHI 018	Complainant questions the billing - was never told that her insurance would not cover this.
13 CHI 019	Respondent claims to be able to cure various things. Complainant signed a contract and after 20 treatments he still has no relief. Has asked for a refund on his portion paid and Respondent states "No".
13 CHI 020	Respondent offered to provide Dept of Revenue Agent treatment. License on "O" status.
13 CHI 021	Complainant claims that he never gave consent for additional charges that were added to his bill for stretches. Complainant claims that he thought the stretches were part of the quote given to him over the phone.

CHIROPRACTIC EXAMINING BOARD
ALLEGATIONS FROM COMPLAINTS RECEIVED
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COMPLAINT ID	ALLEGATION(s)
13 CHI 022	Respondent is not providing a copy of Complainant's records to Complainant's new chiropractor and is not providing Complainant with a copy of his records. Complainant was told by the receptionist that there would be not charge, but is now telling Complainant that it will cost \$2.00 per page for Complainant to get a copy of his records.
13 CHI 023	Complainant alleges that Respondent has messed up her spine, almost paralyzing her.
13 CHI 024	Complainant had gone to see Respondent because of femal issues. Complainant was told by Respondent's appointment person that Respondent dealt in this quite a bit. When Complainant saw Respondent, Respondent said that she does not do this too much but that she would see what she could do. She then proceeded to pull on Complainant's wrists and then went behind Complainant and pushed down. Complainant left there with pain in her right wrist and pain between her shoulder blades.
13 CHI 025	The legal matter in ____ had come to a close. Was referred back to the screening panel to determine if should reopen for investigation.
13 CHI 026	Respondent is trying to make Complainant sign his records over to Respondent and Respondent is now offering MD services with the hiring of a nurse practitioner.
13 CHI 027	It is alleged that the advertisement is false/misleading. They do not state anywhere that they are chiropractors and are alleging that they can "cure" knee pain.
13 CHI 028	Respondent told patient not to take her bi-polar meds. Sold patient detox medication. Patient ended up in the hospital, let go the next day and then as back in the hospital a few days later.
13 CHI 029	Respondent engaged in fraudulent billing. Over charged for services. Billed for services that he did not provide to Complainant.
13 CHI 030	Respondent has refused to provide Complainant with copies of her patient medical records.
13 CHI 031	Respondent's took full spine x-rays of pts that were not neccessary, including full spine x-rays for a five-year-old child. Respondent's provided treatments to multiple patients that were not justified by the diganosis. Respondent's did not have a treatment plan for multiple patients.
13 CHI 032	Respondent is completing and signing DOT physical forms for a fee of \$50.00 without performing any kind of physical exam of the patient.
13 CHI 033	Respondent is offering nutritional counseling and selling nutritional suppliments without proper certification.
13 CHI 034	Respondent allows a patient of his to do personal work for him on his personal property. Patient is male, 38 years old, developmentally challenged, and in a long term care facility. Boundary issues. Conflict of interest.
13 CHI 035	Respondent's office and practice is not professional. Respondent's assistants are not properly trained or licensed to provide electrotherapy and decompression therapy. Respondent does not protect patient med records and patient confidentiality. Patient med records were "left out" and not locked or secured in any way.
13 CHI 036	Respondent saw patient with a hernia. An ER report stated that patient needed immediate emergency surgery on the hernia, but Respondent continued to treat patient for several weeks and did not make a referral for the surgery or assist patient with obtaining a referral to a surgeon.
13 CHI 037	Medical malpractice payment to patient. in amount of \$4,000. Patient alleged that chiropractic adjustment resulted in a fractured rib.

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COMPLAINT ID	ALLEGATION(S)
13 CHI 038	Complainant used to lease office space from Respondent. Respondent has kept the patient med records of Complainant's patients and has refused to return them to Complainant or to transfer Complainant's patient med records to other physicians or to provide copies to the patients. Respondent has sent out soliciations for flu shots and other treatments to Complainant's patients, which caused Complainant's patients to believe that Respondent is reviewing their med records.
13 CHI 039	Insurance fraud. Respondent billed for chiropractic services that he did not provide to patient.
13 CHI 040	Insurance fraud. Respondent billed for services that he did not provide to Complainant and "upcoded" the procedures that he did provide.
13 CHI 041	Complainant went to see Respondent as a new patient for treatment of chronic back pain from an automobile accident. Respondent made multiple inappropriate comments about Complainant's breasts and that they the were the cause of her back pain.

CHIROPRACTIC EXAMINING BOARD

FINAL DECISIONS AND ORDERS

January 1, 2013 - December 31, 2013

Respondent Name	Reg Type/ License #	Date of Order	Violation	Discipline/Action	Description
Alt, Dale	2007-12	01/24/13	446.02(1)(a)	Reprimand; <i>Limitation</i>	Engaged in the practice of chiropractic without being licensed by the Chiropractic Examining Board. <i>Limitation: Within thirty (30) days from the date of this Order, Respondent shall provide written notice, via certified mail, return receipt requested, to Medicare and Medicaid, specifically detailing the periods of unlicensed practice. After all parties have been notified, and after all signed receipts have been received by the Respondent, no later than ninety (90) days from the date of this Order, Respondent shall prepare a sworn affidavit attesting that he notified each party in writing and attach copies of the signed returned receipt for each party so notified.</i>
Appel, James	1514-12	08/15/13	Chir 6.02(9) Chir 6.02(14)	Reprimand; Limitation requiring education, <i>return payments</i>	Failed to conduct a competent assessment, evaluation or diagnosis as a basis for treatment. Obtaining compensation for chiropractic services by fraud. <i>Return payments: Within 30 days of the date of this Order, Respondent shall return any payment he received for the services identified. Within two weeks of returning the payment, Respondent shall provide to the Board's liaison evidence that the funds were returned, to-wit: a copy of a receipt from the entity to whom repayment was made.</i>
Appel, James	1514-12	11/11/13		Order granting full licensure	On August 15, 2013, the Wisconsin Chiropractic Examining Board issued a Final Decision and Order limiting Respondent's license to practice chiropractic with certain terms and conditions. Respondent has submitted proof that he successfully completed the Board ordered education and, as a result, Respondent's license to practice chiropractic (#1514-12) is returned to full, unrestricted status. All limitations and encumbrances upon Respondent's credential are removed.
Arfstrom, Aaron	4504-12	08/15/13	Chir 6.02(24)	Suspended; Limitation requiring education/testing, reports, screens, practice restriction, treatment	Convicted of a crime substantially related to the practice of chiropractic. On March 8, 2002, Respondent was convicted of operating a motor vehicle while intoxicated, a violation of Wis. Stats. §§ 346.63(1)(a) and 346.65(2)(am)(3). On July 13, 2004, Respondent was convicted of operating a motor vehicle while intoxicated — 2nd offense, a violation of Wis. Stats. § 346.63(1)(a). On or about February 7, 2012, Respondent pled guilty to operating a vehicle without owner's consent in violation of Wis. Stat. § 943.23(3m) and operating while intoxicated — 3rd offense in violation of Wis. Stat. § 346.63(1)(a). Respondent also entered into a deferred prosecution agreement for false imprisonment in violation of Wis. Stat. § 940.30 (Eau Claire County case number 2011CF733).
Cirilli, Karlye			Chir 6.02(26) 446.03(5)	Order granting limited license	Information received in the application process reflects that the Applicant was convicted of the following crimes: • 08/21/2000 — Ordinance Violation — Underage Drinking • 04/09/2001 — Felony — Homicide by Intoxicated Use of Vehicle (2 counts) • 02/15/2007 — Misdemeanor — OWI (2" a) The facts and circumstances of the criminal convictions substantially relate to the practice of a chiropractic technician. Applicant by her conduct is subject to action against Applicant's certificate

CHIROPRACTIC EXAMINING BOARD

FINAL DECISIONS AND ORDERS

January 1, 2013 - December 31, 2013

Respondent Name	Reg Type/ License #	Date of Order	Violation	Discipline/Action	Description
Erdman, Wanda	2489-12	01/29/13		Order reinstating limited license	The Chiropractic Examining Board limited Respondent's license to practice chiropractic in the state of Wisconsin (#2489-12), pursuant to the Final Decision and Order dated October 6, 2011 ("Order"). Respondent's license was suspended on November 14, 2012 for failure to comply with the terms and conditions of the Order. On January 24, 2013, the Board considered termination of the suspension and reinstatement of Respondent's limited license. Based upon the information of record, which demonstrates that Respondent has paid the costs of the proceeding and has engaged the services of a chiropractic monitor, Respondent is hereby granted reinstatement of her limited license to practice chiropractic in the state of Wisconsin (#2489-12). It is further ordered that all terms and conditions of the Final Decision and Order shall remain in full force and effect.
Eugster, Daniel	12-2997,	01/24/13	Chir 6.02(25). Chir 11.02(5)	Reprimand; Limitation requiring education	Failed to maintain adequate daily notes, which constitutes unprofessional conduct. Failed to document the patient's informed consent, which constitutes unprofessional conduct.
Fink, James	3339-12	03/28/13		Limitation requiring treatment, professional mentor, reports	On May 24, 2012, the Chiropractic Examining Board issued a Final Decision and Order suspending Respondent's license to practice chiropractic for an indefinite period. Respondent was required to complete certain conditions prior to petitioning the Board for termination of the suspension. On March 14, 2013, the Board considered Respondent's request for termination of the suspension on his license. In support of his request, Respondent submitted evidence of completion for all Order requirements and the results of his Fitness for Duty evaluation. Based on the information of record, the Board finds and makes Respondent's request to terminate the suspension of his license to practice chiropractic in the state of Wisconsin (#3339-12) is hereby granted.
Fritz, Jeremy	12-3832	01/24/13	Chir 6.02(25) Chir 5.01(1)	Suspended	Practiced chiropractic without a current license. Failed to complete the continuing education
Harris, Scott	1937-12	03/14/13	<i>No findings</i>	Voluntary Surrender	Respondent was self-employed at Harris Family Chiropractic Center in Stanley Wisconsin. The investigation in this matter was initiated based on allegations of improper contact with female patients during examinations and treatment, improper billing practices and documentation issues. Respondent denies allegations. Respondent has chosen to retire from the practice of chiropractic due to personal medical reasons.
Heimerl, Joshua	3749-12	04/24/13		Order granting full licensure	The Chiropractic Examining Board limited Respondent's license to practice chiropractic in the state of Wisconsin (#3749-12) pursuant to the Final Decision and Order dated March 17, 2011. Respondent has submitted proof that he successfully completed the terms of the Order and, as a result, Respondent's license to practice chiropractic in the state of Wisconsin (#3749-12) is here by returned to full, unrestricted status. All limitations and encumbrances upon Respondent's credential are removed.
Horaitis, Richard	2931-12	03/28/13		Order granting full licensure	On March 14, 2013, the Chiropractic Examining Board considered Respondent's request for removal of the limitation on his license to practice chiropractic in the state of Wisconsin, imposed pursuant to the Final Decision and Order dated February 21, 2002. Based upon the information of record, which includes evidence of Respondent's completion and compliance with the terms of the Order, the Board finds and makes Respondent's license to practice chiropractic in the state of Wisconsin (#2931-12) is hereby returned to full, unrestricted status. All limitations and encumbrances upon Respondent's credential are removed.

CHIROPRACTIC EXAMINING BOARD

FINAL DECISIONS AND ORDERS

January 1, 2013 - December 31, 2013

Respondent Name	Reg Type/ License #	Date of Order	Violation	Discipline/Action	Description
Olson, Richard	12-2562	01/24/13	Chir 5.01(1) Chir 6.02(18) 446.02(l)(a)	Reprimand; Limitation requiring education	Failed to obtain the required forty (40) hours of continuing education for the 2008 — 2010 biennium period. Falsely attesting when he renewed his license that he had obtained forty hours of continuing education in the 2008 — 2010 biennium, when in fact, he had only completed ten hours of continuing education in the 2008 — 2010 biennium. Practiced chiropractic while his license was expired
Olson, Richard	2562-12	03/28/13		Order granting full licensure	The Chiropractic Examining Board limited Respondent's license to practice chiropractic in the state of Wisconsin (#2562-12) pursuant to the Final Decision and Order dated January 24, 2013. Respondent has submitted proof that he successfully completed the education terms of the Order and, as a result, the following is entered: Respondent's license to practice chiropractic in the state of Wisconsin (#2562-12) is hereby returned to full, unrestricted status. All limitations and encumbrances upon Respondent's credential are removed.
Schiavo, James	12-2607	01/24/13	Chir 6.02(19)	Suspended	Failed to respond to the Department's request for patient medical records during the Board's investigation
Susan M. Droessler	702-114	10/03/13	Chir 6.02(24) Chir 6.02(25) Chir 6.02(26) 446.04(1)	Voluntary Surrender	On December 12, 2012, a criminal complaint was filed by the Wisconsin Department of Justice (Columbia County Case Number 2012 CF 0556) against Respondent. The theft-business setting in an amount greater than \$10,000, a violation of Wis. Stats. § 943.20(1)(b). On August 19, 2013, Respondent entered a guilty plea and was convicted of one (1) count of theft-business setting in an amount greater than \$10,000, a violation of Wis. Stats. § 943.20(1)(b). Respondent's conduct of using her access of personal and business information for her own financial gain relates to her practice as a chiropractic technician since, as part of her duties, she has access to business and patients' assets and/or personal information of a valuable nature. Respondent acknowledged, by entering a guilty plea to the charge, that she purposely deceived and defrauded both individuals and institutions of their assets. Engaged in conduct of a character likely to deceive or defraud the public. Convicted of a crime substantially related to the practice of chiropractic.
Trabbold, Michael	3665-12	10/03/13	Chir 11.02(5) Chir 11.02(6) Chir 6.02(25)	Reprimand; Limitation requiring education	Failed to obtain and document adequate informed consent. Failed to adequately document his rationale for the examination and treatment provided, nor is the information readily inferred from the patient record. Committed unprofessional conduct