

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
KENNETH E. OLSON, D.C.,	:	ADOPTING STIPULATION
RESPONDENT.	:	92 CHI 34
	:	

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Kenneth E. Olson, D.C.
2213 Velp Avenue
Green Bay, WI 54313

Chiropractic Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

FILE COPY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Kenneth E. Olson, Respondent herein, date of birth March 13, 1935, of 2213 Velp Avenue, Green Bay, WI 54313, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 446, Wis. Stats., to practice chiropractic in the State of Wisconsin, under license number 1401, first granted September 14, 1977.
2. On July 13th and 17th, 1990, Respondent provided chiropractic services to patient R.M. On July 17, 1990, Respondent performed acupuncture on patient R.M. as part of his treatment of her condition.
3. Respondent falsely recorded his acupuncture treatment of patient R.M. as "acupressure" in the patient's treatment, billing records and on an insurance claim form.
4. Respondent has admitted to having performed acupuncture on other patients on occasion as part of his practice of chiropractic prior to October 27, 1992. Respondent represents that he has ceased performing acupuncture in the State of Wisconsin.

5. Respondent is not now, nor has been, certified to engage in the practice of acupuncture in the State of Wisconsin, or otherwise authorized to perform acupuncture in the State of Wisconsin.

CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining Board has jurisdiction over this matter and authority to take disciplinary action against the Respondent pursuant to Wis. Stats. sec. 446.03, and Ch. Chir 6, Wis. Adm. Code.

2. The Wisconsin Chiropractic Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stats. sec. 227.44(5).

3. Respondent's having engaged in the practice of acupuncture when not certified or otherwise authorized to do so in the State of Wisconsin violated Chir 4.05(1)(b)3., Wis. Adm. Code, which constitutes unprofessional conduct under sec. Chir 6.02(4), Wis. Adm. Code, and subjects Respondent to discipline under sec. 446.03(5), Wis. Stats.

4. Respondent's having falsely recorded acupuncture treatment as "acupressure" in patient treatment and billing records and on an insurance claim form constitutes unprofessional conduct under secs. Chir 6.02(12) and (14), Wis. Adm. Code, and subjects Respondent to discipline under sec. 446.03(5), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The STIPULATION of the parties, attached hereto, is ACCEPTED.

2. Suspension. The license to practice chiropractic of Kenneth E. Olson, D.C., shall be and hereby is SUSPENDED for a period of 30 days commencing 30 days from the date of this Order.

3. Examination. Not later than November 18, 1993, Respondent shall take and obtain a passing grade on the Wisconsin Chiropractic Statutes and Rules Examination. Respondent shall be responsible for timely registration and payment of fee for the examination. At his option, Respondent may take the examination through one of the PLATO exam locations in Appleton, Waukesha or Marshfield, but not later than November 18, 1993.

4. Acupuncture Prohibited. Respondent shall immediately cease and desist from engaging in the practice of acupuncture in the State of Wisconsin, pursuant to the terms of sec. Chir 4.05(1)(b)3., Wis. Adm. Code, unless properly certified or otherwise authorized to do so.

5. Costs. Respondent is hereby assessed costs of investigation and proceeding in this matter pursuant to sec. 440.22, Stats., in the amount of \$442.00, which shall be paid to the Department of Regulation and Licensing in consecutive monthly installments of not less than \$110.50, due on the 15th day of each month, commencing July 15, 1993, and the total of which shall be paid in full not later than October 15, 1993.

6. Noncompliance. If Respondent fails to comply with the terms of this Order by November 18, 1993, then his license to practice Chiropractic shall

automatically be suspended, without formal Board action, until such time that Respondent has submitted proof satisfactory to the Board that he has complied with and fulfilled all terms of this Order. Such suspension shall be effective immediately on November 19, 1993 if Respondent has not submitted satisfactory documentation or proof of compliance by November 18, 1993, and such suspension shall be confirmed by written notice by Department staff to Respondent's last address of record with the Department. Upon submission by Respondent of satisfactory documentation or proof of compliance with the terms of this Order, Respondent's license to practice chiropractic may be immediately reinstated by Department staff, without formal Board action.

7. Violations of Order. Violation of any of the terms of this Order or of any law substantially relating to the practice of Chiropractic may result in the imposition of other additional discipline, including revocation of license.

Dated this 8th day of July, 1993

CHIROPRACTIC EXAMINING BOARD

By: *Michael A. Kuhn, D.C.*
A Member of the Board

I, Kenneth E. Olson, have read and understood all parts of this Order and attached Stipulation, and pursuant to the attached Stipulation, hereby freely consent to the entry of the foregoing Final Decision and Order Adopting Stipulation by the Wisconsin Chiropractic Examining Board.

5-25-93
Date

Kenneth E. Olson, D.C.
Kenneth E. Olson, Respondent

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KENNETH E. OLSON, D.C.,
RESPONDENT.

STIPULATION
92 CHI 34

It is hereby stipulated between Kenneth E. Olson, D.C., and Robert T. Ganch, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of the license of the above named Respondent to practice as a chiropractor in the State of Wisconsin, investigative file #92 CHI 34. The Respondent consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.
2. The Respondent understands that by the signing of the Stipulation, the following rights are voluntarily and knowingly waived, including: the right to a hearing on the allegations against the Respondent, at which the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against the Respondent; the right to call witnesses on behalf of the Respondent and to compel their attendance by subpoena; the right of the Respondent to testify, the right to file objections to any proposed Decisions and to present briefs or oral arguments to the officials who are to render the Final Decision; the right to petition for rehearing; and all other applicable rights afforded under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. The Respondent admits the facts and conduct described in the attached Findings of Fact and agrees to the adoption, entry and issuance of the attached Findings of Fact, Conclusions of Law and Order Adopting Stipulation by the Chiropractic Examining Board.
4. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of the Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings.
5. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order Adopting Stipulation without further notice, pleading, appearance or consent of the parties.
6. This Stipulation and the attached Final Decision and Order shall not prejudice the Chiropractic Examining Board from taking any further action regarding any conduct of the Respondent not stated in the attached Final Decision and Order.

7. The Division of Enforcement joins the Respondent in recommending the Chiropractic Examining Board adopt this Stipulation and issue the attached Final Decision and Order adopting Stipulation. All parties agree that the attorney for the Department of Regulation and Licensing, Division of Enforcement and the Board Advisor to this case may appear before the Chiropractic Examining Board in support of this Stipulation and attached Final Decision and Order. All parties further agree that the attorney for the Division of Enforcement and the Board Advisor for this case may respond to questions of the Chiropractic Examining Board during its deliberation in closed session.

5-25-93
Date

Kenneth E. Olson, D.C.
Kenneth E. Olson, D.C.,

May 28, 1993
Date

Robert T. Ganch
Robert T. Ganch, Attorney
Division of Enforcement

July 8, 1993
Date

Wisconsin Chiropractic Examining Board
Meredith H. Balke, D.C. /CP
A member of the Board

RTG
ATY2
11/20/92

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Chiropractic Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Chiropractic Examining Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Chiropractic Examining Board.

The date of mailing of this decision is July, 12, 1993.