

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
WILLIAM D. WENZEL, D.C.,	:	93 CHI 132
RESPONDENT.	:	

The respondent in this matter, William D. Wenzel, D.C. agrees to the terms and conditions of this Final Decision and Order, subject to the approval of the Board. The Board has reviewed this proposed resolution and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Consent To Entry Of Final Decision And Order and makes the following:

FINDINGS OF FACT

1. William D. Wenzel, D.C., the respondent herein, is duly licensed in the state of Wisconsin as a chiropractor. Dr. Wenzel's license number is 1706. This license was first granted on November 12, 1981.
2. Dr. Wenzel's latest address on file with the Department of Regulation and Licensing is 1111-1/2 Eight Street, Baraboo, Wisconsin 53913. Dr. Wenzel's date of birth is February 21, 1955.
3. On November 24, 1989, patient VB sought chiropractic care from Dr. Wenzel. Patient VB, then a 58-year-old female, told Dr. Wenzel that after she awoke during the night of November 18, 1989, she began suffering lower back pain that radiated into her leg, pain down her left leg and left leg cramps. Patient VB presented no recent history of trauma to Dr. Wenzel.
4. Dr. Wenzel obtained an x-ray film of patient VB's lumbosacral and pelvic areas. This film suggested a fracture line at the neck of VB's left femur.
5. Dr. Wenzel studied patient VB's x-ray film but did not observe, note in his records or inform patient VB that the film suggested a fracture line at the neck of her left femur. Dr. Wenzel also did not tell patient VB that a fracture at the neck of her left femur is not treatable by chiropractic care.
6. Dr. Wenzel provided chiropractic treatment to Patient VB on 13 occasions between November 24, 1989 and January 6, 1990.
7. An x-ray film obtained by a physician on January 10, 1990 indicated that Patient VB had suffered a complete fracture and displacement at the neck of the left femur. Patient VB underwent surgery, including placement of a prosthetic hip.

CONCLUSIONS OF LAW

1. By the conduct described above, Dr. Wenzel is subject to disciplinary action against his license to practice as a chiropractor in the state of Wisconsin, pursuant to Wis. Stats. §446.03.

2. The Chiropractic Examining Board is authorized to enter this Final Decision and Order pursuant to Dr. Wenzel's consent and Wis. Stats. §227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Consent To Entry Of Final Decision And Order is accepted.

IT IS FURTHER ORDERED that Dr. Wenzel's license to practice chiropractic is limited according to the following terms and conditions:

A. Dr. Wenzel shall submit to the Board by ^{January 1, 1997} ~~August 9, 1996~~ proof that he has attended in their entirety and satisfactorily completed a minimum of twenty-four (24) hours of continuing chiropractic education in the interpretation of x-ray films. Dr. Wenzel shall submit such proof to the Board by mailing it to:

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

B. The aforementioned continuing education must be in a program approved by the Wisconsin Chiropractic Association, the American Chiropractic Association, the International Chiropractic Association, or in a program offered by a Board-approved chiropractic college. Any program not approved by any of the aforementioned organizations must be approved by the Board or the Board's designee in order to satisfy this Order.

C. The aforementioned continuing education must be pre-approved by the Board or the Board's designee in order to satisfy the terms of this Order. The Board or the Board's designee shall have the sole discretion to determine whether proffered continuing chiropractic education credits satisfy the terms of this Order.

D. The aforementioned continuing education may not be used to satisfy Dr. Wenzel's continuing education requirement set forth in Wis. Admin. Code §CHIR 5.01.

IT IS FURTHER ORDERED that the expense of compliance with all of the terms and conditions of this Order shall be the responsibility of the Respondent.

Failure to comply with the terms and conditions of this Order is a violation of Wis. Admin. Code §CHIR 6.02(25) and may be a basis for a separate disciplinary action.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

This Order is effective upon the date of its signing.

CHIROPRACTIC EXAMINING BOARD

By: Terry K. Jurek, DC
A Member of the Board

April 11, 1996
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	CONSENT TO ENTRY OF
WILLIAM D. WENZEL, D.C.,	:	FINAL DECISION AND ORDER
RESPONDENT.	:	93 CHI 132
	:	

It is hereby agreed by the respondent, William D. Wenzel, D.C., personally and by his attorney, Bradway A. Liddle, Jr., as follows that:

1. This Consent To Entry Of Final Decision And Order is entered into as the result of an informal settlement conference held on October 12, 1995 pursuant to Wis. Admin. Code §RL 2.035. Dr. Wenzel consents to the entry of the attached Final Decision and Order by the Chiropractic Examining Board. Dr. Wenzel consents to entry of the attached Final Decision and Order without further notice, pleading, appearance.

2. Dr. Wenzel understands that by the signing of this Consent To Entry Of Final Decision And Order he waives his rights, including: the right to a hearing on the allegations against him, at which time 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; the right to appeal the Board's decision to issue the attached Final Decision and Order as well as any decision the Board or its designee might make regarding approval of continuing chiropractic education courses as required by the terms of the Order; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Dr. Wenzel voluntarily and knowingly waives all of the rights set forth in paragraph two above. Dr. Wenzel voluntarily and knowingly waives all rights to any appeal of the Board's order, if adopted in the form as attached.

4. Dr. Wenzel is aware of and understands his right to seek legal representation and has obtained legal advice prior to signing this Consent To Entry Of Final Decision And Order.

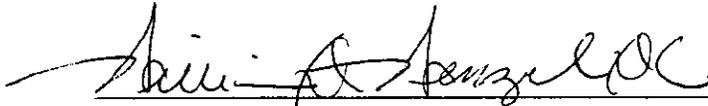
5. Dr. Wenzel is aware and understands that violation of any of the terms and conditions set forth in the Final Decision and Order, if adopted in the form as attached, shall constitute a basis for further disciplinary action by the Chiropractic Examining Board.

6. If the terms of the attached Final Decision and Order are not

acceptable to the Board, Dr. Wenzel shall not be bound by the contents of this Consent To Entry Of Final Decision And Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this proposed resolution is not accepted by the Board, Dr. Wenzel waives his right to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

7. Dr. Wenzel consents to allow the attorney from the Division of Enforcement assigned as a prosecutor in this case, the attorney for the Chiropractic Examining Board and the member of the Chiropractic Examining Board assigned as an advisor in this investigation to appear before the Board for the purposes of speaking in support of this resolution and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

I, William D. Wenzel, D.C., the respondent herein, having read this Consent To Entry Of Final Decision And Order and the attached Final Decision and Order, and having received legal counsel, voluntarily and knowingly enter into this Consent To Entry Of Final Decision And Order.



William D. Wenzel, D.C.
Respondent

03/19/96

Date



Bradway A. Liddle, Jr.
Attorney for Respondent

3/22/96

Date

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.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN CHIROPRACTIC EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

April 29, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)