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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JAMES A. SPENNETTA, D.C
RESPONDENT.

Case No. LS0001131CHI

FINAL DECISION AND ORDER

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

James A. Spennetta, D.C.
7009 Watts Road
Madison, WI 53719

Wisconsin 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

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 Chiropractic Examining 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. James A. Spennetta, D.C., Respondent, date of birth February 9, 1967, is licensed by the Wisconsin Chiropractic Examining Board to practice chiropractic in the state of Wisconsin, pursuant to license number 0002813, which was first granted December 5, 1991.
2. Respondent's last address reported to the Department of Regulation and Licensing is 7009 Watts Rd., Madison, Wisconsin, 53719.
3. Respondent practiced as a chiropractor at Hendrickson Chiropractic Office, S.C., (Clinic) in Oshkosh, Wisconsin, from March 2, 1992 until he resigned from that employment on February 10, 1994.

COUNT I

4. On July 7, 1993, Ms. A, who was then 17 years of age and a high school student, began receiving chiropractic

services from Respondent for treatment of reoccurring back and neck pain, among other things.

5. Respondent provided chiropractic services to Ms. A, on the following dates:

- a. July 7, 1993 n. September 7, 1993
- b. July 8, 1993 o. September 10, 1993
- c. July 26, 1993 p. September 17, 1993
- d. August 2, 1993 q. September 20, 1993
- e. August 13, 1993 r. September 29, 1993
- f. August 16, 1993 s. October 5, 1993
- g. August 17, 1993 t. October 6, 1993
- h. August 18, 1993 u. October 12, 1993
- i. August 20, 1993 v. October 18, 1993
- j. August 23, 1993 w. November 22, 1993
- k. August 27, 1993 x. November 30, 1993
- l. August 30, 1993 y. December 6, 1993
- m. September 1, 1993 z. December 31, 1993

6. During the time Respondent was providing treatment to Ms. A, Respondent made several comments to Ms. A regarding her physical appearance. Ms. A perceived those comments to be sexual in nature. Respondent also made comments to Ms. A regarding Ms. A's relationship with her boyfriend. Ms. A perceived those comments to be inviting a relationship with respondent.

7. Respondent states that there was no sexual intent in any comments he made to Ms. A. Respondent also states that the comments he made about Ms. A's relationship with her boy friend were intended to counsel Ms. A to end an abusive relationship with her boyfriend, and were not made for the purpose of inviting a relationship with Respondent.

8. During one session, Respondent treated Ms. A for carpal tunnel syndrome. When the Respondent manipulated her hand, Ms. A indicated it was painful. Ms. A states that Respondent then kissed Ms. A's hand and looked directly into her face, in what Ms. A perceived to be a romantic fashion. Respondent confirms that he kissed Ms. A's hand, but says that it was in the manner one would kiss an injured child's hand.

9. Ms. A did not invite, want, or like Respondent's comments, but did not ask Respondent to stop making the comments.

10. Eventually, Ms. A asked the Clinic staff to schedule her treatment sessions with a different chiropractor. She did not tell Respondent about the request or the reason for the request.

11. Ms. A's appointments were then scheduled with another chiropractor in the office. However, on all occasions except one, after Ms. A was taken to an examination room and her clinical record placed outside the door of the examination room, Respondent took the record entered the examination room and provided the evaluation and treatment to Ms. A. Respondent often did this without consulting with the chiropractor who was scheduled to perform the evaluation and treatment and always did it without asking Ms. A's permission..

12. Ms. A reports that she was upset by Respondent's comments and behavior.

COUNT II

13. On August 6, 1993, Ms. B, who was then 33 years of age, began receiving chiropractic services from Respondent for evaluation and treatment of a work-related injury.

14. Ms. B received chiropractic services at the Clinic from Respondent on 35 occasions, ending December 10, 1993. Ms. B was also seen on occasion by other chiropractors

15. On one treatment occasion, Respondent said to Ms. B "what would your husband say if you told him you had crabs, after coming home after a weekend with the girls?" Respondent admits making the statement, but

contends that he and Ms. B shared jokes with one another and that was the context of the statement. Ms. A reports that she was stunned by the inappropriateness of the comment, but did not say anything in response.

16. Ms. B requested that the Clinic staff never schedule Ms. B for an appointment with the Respondent again. This request was honored, except for one appointment on December 10, 1993.

ALL COUNTS

17. Since leaving the Clinic on February 10, 1994, Respondent has been self employed as a chiropractor in the state of Wisconsin. The Board has received no complaints that Respondent has engaged in inappropriate conduct or practice of any kind during that time.

18. At the recommendation of the Division of Enforcement, Respondent took and completed "Professionals at Risk: Ethical Boundaries in Relationships", a one day seminar held November 11, 1997, sponsored by the University of Wisconsin Extension. The instructor was Gary R. Schoener, a Minneapolis psychologist, who among other things has been a consultant to the College of Chiropractors of Alberta. The course:

"[T]eaches the new realities of maintaining professional boundaries as well as an approach to risk management which does not detract from your ability to help people or be a warm and caring professional. While embracing current standards and case law, the focus is on common sense, practical responses which mesh with good clinical practice."

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CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining Board has jurisdiction over this matter pursuant to § 446.03, Stats.
2. The Wisconsin Chiropractic Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.
3. Respondent, by engaging in the conduct set out in Counts I and II, has committed unprofessional conduct as defined by Wis. Admin. Code § CHI 6.02(3) and is subject to discipline pursuant to § 446.03(5), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, James A. Spennetta, D.C., is hereby REPRIMANDED, for the conduct set out above.
2. Respondent shall take and complete, at his own expense, a one day program which addresses issues of professional-patient or client relationship boundaries.
3. Respondent has complied with paragraph 2 of this order by having taken and completed "Professionals at Risk: Ethical Boundaries in Relationships", as noted in the Findings of Fact above.

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".

Dated at Madison, Wisconsin this 13th day of January, 2000.

Dale Strama, D.C.

Chairperson

Chiropractic Examining Board