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Before the Chiropractic Examining Board

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In the Matter of Disciplinary Proceedings Against

Michael S. Rusak, D.C.

Final Decision and Order

Respondent

LS0105101CHI

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The parties to this proceeding for purposes of s. 227.53, Stats., are:

Michael S. Rusak, D.C.

322 Cameron Avenue

LaCrosse WI 54601

Chiropractic Examining Board

Department of Regulation and Licensing

P.O. Box 8935

Madison WI 53708

Division of Enforcement

Department of Regulation and Licensing

P.O. Box 8935

Madison WI 53708

The parties having agreed to the attached stipulation, the Chiropractic Examining Board makes the following:

Findings of Fact

1. Michael S. Rusak, D.C., was born on September 29, 1957, and is licensed to practice chiropractic in the state of Wisconsin pursuant to license number 1979, first granted on December 1, 1984.
2. On May 25, May 27, June 3, and June 6, 1994, Respondent treated Patient S.S., a 29 year old male, with manual cervical manipulation.
3. Respondent's records for Patient S.S. do not document that Respondent undertook the appropriate screening tests for the existence of contra-indications to manual cervical manipulations, or that Respondent anticipated the potential for injury secondary to manual cervical manipulation before treating Patient S.S. with manual cervical manipulation.
4. Following the June 6, 1994, cervical manipulation, Patient S.S. became dizzy, and complained of severe headache and vertical diplopia. Patient S.S. also exhibited diaphoresis and slurring of speech. When he failed to improve at Respondent's office, Patient S.S. was taken to a hospital emergency room.
5. At the emergency room, Patient S.S. was diagnosed with acute vestibulopathy and cephalgia, and he was discharged with medication for nausea, vertigo and headache.
6. Respondent accompanied Patient S.S. to the hospital, but did not inform any one involved in treating Patient S.S. that the symptoms had developed following manual cervical manipulation.
7. On June 7, 1994, Patient S.S. returned to the hospital emergency room complaining of severe headache. A CT scan was performed, resulting in a diagnosis of left hemisphere ischemic stroke, secondary to extra-cranial dissection of the

vertebral artery.

8. On February 20, 1993, Patient P.M. presented to Respondent with complaints of right shoulder pain which developed after she fell in an icy parking lot. Patient P.M. informed Respondent that she had previously been in an automobile accident, had suffered whiplash injuries in that accident, and that she was pregnant.
9. Respondent did not perform an orthopedic or neurological examination on Patient P.M. before treating her, nor did he take or read any radiographs, nor did he document the treatment he provided to her.
10. Patient P.M. reports that during the examination and treatment process, Respondent exerted pressure on various parts of her spine, and performed what Patient P.M. identified as a rotary break maneuver on her neck.
11. Following treatment by Respondent, Patient P.M. experienced increasing pain in her neck.
12. On February 21, 1993, the day following her treatment by Respondent, Patient P.M. presented at the office of a diplomate of the American Board of Chiropractic Orthopedics. The subsequent treating chiropractor made a differential diagnosis of cervical disc herniation based on examination and radiography.
13. There is a dispute whether the cervical disc herniation was caused by Patient P.M.'s fall in the parking lot, or by Respondent's performance of a cervical break adjustment on her neck.

#### Conclusions of Law

1. The Chiropractic Examining Board has jurisdiction in this matter pursuant to s. 446.03, Stats.
2. Respondent's failure to fully evaluate and document the conditions of Patient S.S. and Patient P.M., or his treatment of them, constitutes a violation of s. Chir 6.02(9), Wis. Admin. Code, and s. 446.03(5), Stats.

#### Order

Now, therefore, it is ordered that Michael S. Rusak, D.C., be and hereby is reprimanded.

It is further ordered that within one year of the date of this Order, Respondent shall take and satisfactorily complete a 12 hour course on chiropractic risk management substantially equivalent to that offered by NCMIC.

It is further ordered that within one year of the date of this Order, Respondent shall take and satisfactorily complete one 12 hour course in physical diagnosis and one 12 hour course in physical examination. Respondent is responsible for finding the courses, and for obtaining the approval of the Board or its designee for the courses for compliance with this Order before he takes them.

For purposes of approval of the education portion of this Order, the Board's designee is

Department Monitor

Division of Enforcement

P.O. Box 8935

Madison WI 53708

It is further ordered that Respondent shall bear the entire cost of compliance with this Order, and that no part of the education required by this Order may be credited to completion of the continuing chiropractic education otherwise required of Michael Rusak, D.C.

Dated this 10<sup>th</sup> day of May, 2001.

Wisconsin Chiropractic Examining Board

Dale Strama

Member of the Board