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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
CHRISTIAN J. ZEBRASKY, D.C. :
RESPONDENT. :

FINAL DECISION AND ORDER
LS0404281CHI

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

Christian J. Zebrasky
2349 S. 108th St.
West Allis, WI 53227

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 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. Respondent, Christian James Zebrasky, DOB 1/14/69, is and has been at all times relevant to the matters set forth in this complaint, a licensed chiropractor in the state of Wisconsin. His license, #3456 was granted on 10/17/97.
2. On January 13, 2004, respondent was adjudged convicted of feloniously executing a health care fraud scheme, contrary to 18 USC §§2 and 1347, and was sentenced by the United States District Court for the Eastern District of Wisconsin to four months of confinement, and to pay a fine of \$5,000, restitution of \$27,000, and an assessment fee of \$100.
3. The facts underlying respondent's conviction are that he made a series of false claims to his personal health insurance carrier between March, 1998 and August, 2000, for the purpose of obtaining money. This scheme included creating false patient chiropractic care records for himself and members of his family, including records purporting to document that (a) he had practiced chiropractic upon others at his clinic when, in fact, he had not; and (b) that an associate (who had no knowledge of the scheme) had provided chiropractic services to respondent, when, in fact, no such services had been provided.
4. Respondent represents to the Board that he has done no act constituting the practice of chiropractic since at least November 15, 2003. Respondent has completed his confinement.

CONCLUSIONS OF LAW

- A. The Wisconsin Chiropractic Examining Board has jurisdiction to act in this matter pursuant to §448.02(3), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.
- B. By being convicted as described in ¶2, above, respondent is subject to discipline pursuant to §446.03(3),

Stats., and § Chir 6.02(24), Wis. Adm. Code. By committing the acts described in ¶3, above, respondent is subject to discipline pursuant to §446.03(4), Stats., and § Chir 6.02(12), (14), and (26), Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that the license to practice chiropractic of Christian J. Zebrasky, DC, is SUSPENDED until he has met the conditions set forth below. While suspended, respondent shall not do any act which constitutes the practice of chiropractic while suspended, and shall not accept the delegation of another chiropractor to do any such act or have any professional contact with any patient of another chiropractor. Respondent shall not, while suspended, be employed by or provide professional services to another chiropractor (including but not limited to billing, chart review, consultation, marketing, or other services incidental to the practice), or be present in any place of practice of another chiropractor, except as a bona fide patient.

IT IS FURTHER ORDERED, that the suspension shall be terminated by staff without further action by the Board, upon receipt of proof that respondent has successfully completed *Professional Renewal In Medicine (through) Ethics*, sponsored by the University of Medicine and Dentistry of New Jersey--Center for Continuing and Outreach Education, or an equivalent course pre-approved by the Board. Respondent shall provide the Board with all documents relating to his participation and completion of the course, including his written essay(s), and permit the Board, Department, or designee to discuss his participation with course staff.

IT IS FURTHER ORDERED, that following the end of the suspension, the license to practice chiropractic of respondent is LIMITED in the following respects:

- a. Respondent shall complete 20 hours of continuing education, pre-approved by the Board or its designee (such approval not to be unreasonably withheld), in chiropractic recordkeeping and ethics, no later than 12/31/04. Hours obtained in fulfilling this requirement shall not be credited to the standard biennial CE requirement for renewal of licensure.
- b. Respondent shall obtain, at his expense, another licensed chiropractor, acceptable to the Board, who will audit a sample of respondent's patient healthcare records no less often than biweekly, and report to the Board on their compliance with applicable statutes, rules (including ch. Chir 11, Wis. Adm. Code), and professional standards. Respondent shall arrange for the auditing chiropractor to provide formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a quarterly basis, as directed by the Department Monitor. Respondent's auditing chiropractor shall immediately report to the Department Monitor any conduct or condition of the Respondent which may constitute unprofessional conduct, a violation of this Order, or a danger to the public or patient. It is the responsibility of respondent to promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order, including any failures of the auditing chiropractor to conform to the terms and conditions of this Order.
- c. Respondent shall use an outside billing service.
- d. Respondent shall appear before the Board on an annual basis, if requested by the Board, to review the progress of any treatment and rehabilitation.
- e. Respondent may petition the Board to modify the limitations imposed after one year of practice under this Order; it is within the sole discretion of the Board to modify any limitation. Respondent may petition the Board to modify or terminate the limitations imposed after two years of practice under this Order; it is within the sole discretion of the Board to modify or terminate any limitation.

IT IS FURTHER ORDERED, that respondent shall pay the costs of investigating and prosecuting this matter, in the amount of \$650, before his license is next renewed, together with statutory interest from the date of this order.

IT IS FURTHER ORDERED, that if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license of respondent be summarily suspended pending investigation of the alleged violation.

Dated this July 8th, 2004.

WISCONSIN CHIROPRACTIC EXAMINING BOARD

James Rosemeyer
A Member of the Board