

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF:

	:	ORDER
PETER BAEHR, D.C.,	:	LS0611305CHI
LICENSEE.	:	

[Division of Enforcement Cases 06CHI055, 06CHI056, 06CHI057, 06CHI058, 06CHI061 & 06CHI063]

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

Peter Baehr, D.C.
391 W. Johnson Avenue
Fond du Lac, WI 54935

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Chiropractic Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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

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

FINDINGS OF FACT

1. Peter Baehr, D.C., date of birth December 3, 1957, is licensed by the Wisconsin Chiropractic Examining Board to practice chiropractic in the state of Wisconsin, pursuant to license number 1751, which was first granted July 17, 1982.
2. Dr. Baehr's last address reported to the Department of Regulation and Licensing is 391 W. Johnson Avenue, Fond du Lac, WI 54935. This is the location of his professional office.
3. On September 21, 2006, the Fond du Lac Police Department received a complaint from a patient of Licensee who alleged that during treatment Dr. Baehr had inappropriately touched her breast. The police commenced an investigation and received similar complaints from additional patients. On September 29, 2006 the police notified Dr. Baehr of the investigation and interviewed him.
4. As a result of the police investigation, on October 10, 2006 Dr. Baehr was charged in Fond Du Lac County Circuit Court case number 2006CM0732 with four counts of violating Wis. Stat. § 940.225(3m) [4th degree sexual assault] based on allegations of touching three patients. In a document filed with the court on October 25, 2006, Dr. Baehr entered a not guilty plea and requested a jury trial to contest the pending charges. Those charges are pending with an initial appearance set for December 15, 2006.
5. Between October 12, and November 6, 2006, the Board and the Division of Enforcement received complaints from six female patients of Dr. Baehr. Each of the women alleges that while she was being treated by Dr. Baehr he inappropriately slid his bare hand under her clothing top and bra so that his fingers were touching the skin of her breast.

6. Board investigations 06CHI055, 06CHI056, 06CHI057, 06CHI058, 06CHI061 & 06CHI063 were opened based on the allegations of inappropriate sexual touching. The Division is in the process of investigating the allegations.

7. None of the complaints allege that any inappropriate touching took place after September 29, 2006, the date Dr. Baehr was interviewed by the police.

8. Licensee and the Division agree that it is important that the public's safety be assured during the time it takes to complete these investigations and proceedings.

CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 446.03, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of Peter Baehr, to practice chiropractic in the State of Wisconsin is hereby LIMITED. In providing chiropractic services to female patients, Dr. Baehr shall:

- a. Not touch the breast of a female patient for any reason.
- b. Have an observer in the examination or treatment room at all times he is in the presence of a female patient for a purpose which will require touching the patient.
- c. Prior to serving as an observer each person shall have been provided with and read a copy of this document.
- d. At the conclusion of Dr. Baehr's evaluation or treatment of a female patient, the observer shall legibly sign a dated form confirming that the observer was in the room the entire time Dr. Baehr was with the patient. The form shall be placed and kept in the patient's chiropractic record.
- e. Before receiving chiropractic services for the first time after the date of this Order, each female patient shall read, or be read, a copy of this Order and shall sign a dated statement confirming this has occurred. The form shall be placed and kept in the patient's chiropractic record.

2. These limitation shall remain in effect until one of the following occurs:

- a. Licensee providing evidence, which is satisfactory to the Board, that all counts, filed or to be filed, in Fond Du Lac County Circuit Court case number 2006CM0732 have been dismissed.
- b. The Board issues a Final Decision and Order in a disciplinary proceeding against Dr. Baehr, which is based upon one or more of the investigations currently being conducted by the Division of Enforcement.

3. Evidence shall be provided to to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Licensee's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

5. This Order is effective on the date of its signing.

Wisconsin Chiropractic Examining Board

By: Steven Silverman
A Member of the Board

11/30/06
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF:

PETER BAEHR, D.C.,
LICENSEE.

:
:
:
:
:

STIPULATION
LS # _____

[Division of Enforcement Cases 06CHI055, 06CHI056, 06CHI057, 06CHI058, 06CHI061 & 06CHI063]

It is hereby stipulated and agreed, by and between Peter Baehr, D.C., Licensee; Vincent R. Biskupic of Hinshaw & Culbertson, LPP, attorneys for Licensee; and John R. Zwiig, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of pending investigations of Dr. Baehr's licensure by the Division of Enforcement (files 06CHI055, 06CHI056, 06CHI057, 06CHI058, 06CHI061 & 06CHI063).

2. Licensee understands that by signing this Stipulation, he voluntarily and knowingly 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; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Licensee has obtained advice of legal counsel prior to signing this Stipulation.

4. Licensee agrees to the adoption of the attached Order by the Board. The parties to the Stipulation consent to the entry of the attached Order without further notice, pleading, appearance or consent of the parties. Licensee waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division for further action. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this Stipulation and Order.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Order.

7. Licensee is informed that should the Board adopt this Stipulation, the Board's Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Licensee in recommending that the Board adopt this Stipulation and issue the attached Order.

Peter Baehr, D.C.
Licensee
391 W. Johnson Avenue
Fond du Lac, WI 54935

Date

Vincent R. Biskupic
Hinshaw & Culbertson, LPP.
Attorneys for Licensee
100 W. Lawrence St.
Appleton, WI 54911

Date

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

Date