

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
WILLIAM E. ATKINSON, D.C., : LS# 0802181CHI
RESPONDENT. :

Division of Enforcement Case # 05 CHI 037

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

William E. Atkinson, D.C.
1344 Creston Park Dr.
Janesville, WI 53545

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

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Chiropractic Examining Board on February 18, 2008. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition 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. William E. Atkinson, D.C., (DOB 02/24/1944) is duly licensed as a chiropractor in the State of Wisconsin (license #12 1354). This license was first granted on July 29, 1976.

2. Respondent's most recent address on file with the Wisconsin Chiropractic Examining Board is 1344 Creston Park Drive, Janesville, Wisconsin.

3. At all times relevant to this action, Respondent was working as a chiropractor in Wisconsin.

4. A Memorandum Decision dated April 7, 2005 out of the Rock County Circuit Court found that from approximately 1999 – 2002, Respondent repeatedly touched L.M.S., a minor, in a sexual manner on her breasts, buttocks and crotch, through her clothes. L.M.S. was the daughter of Respondent's domestic partner and lived with him. L.M.S. was also Respondent's chiropractic patient. The Memorandum Decision was upheld on appeal.

5. Respondent denies that he touched L.M.S. in any sexual manner, and has brought a malpractice action against the attorney who represented him in that civil case.

6. Respondent stipulates to this resolution only for purposes of resolving this matter expediently and without the need for a hearing.

CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining 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).

2. The conduct described in paragraph 4 above constitutes a violation of Wisconsin Administrative Code Chir § 6.02(1), 6.02(7) and 6.02(26), and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

ORDER

IT IS ORDERED:

1. William E. Atkinson, D.C. is REPRIMANDED.

2. The license of William E. Atkinson to practice as a chiropractor in the State of Wisconsin is LIMITED as follows:

(a) Within ninety (90) days of the date of this Order, Respondent shall provide proof of successful completion of 6 hours of pre-approved continuing education in patient boundaries. Respondent is responsible for finding appropriate courses and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain board approval within the 90 day time frame, taking into account the board's meeting schedule. Respondent is responsible for all costs

associated with this continuing education. Respondent will not apply any of the continuing education credits earned in satisfaction of this Order toward satisfaction of his Wis. Stat. § 446.02(1)(b) biennial training requirements

3. Respondent shall pay to the Department of Regulation and Licensing costs of this proceeding in the amount of Five Thousand Dollars (\$5,000.00) pursuant to § 440.22(2), Stats. Respondent may pay these costs in installments as follows: \$500 on or before August 14, 2009, and \$500 every six months thereafter until the full amount is paid.

4. All requests, notifications and payment shall be mailed, faxed or delivered to:

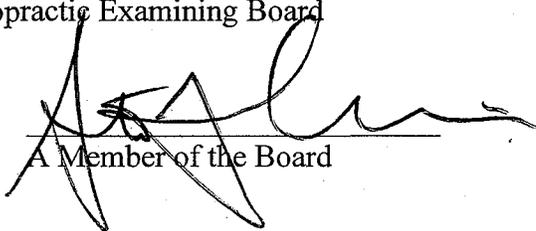
Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

5. Violation of any term or condition of this Order, or of any limitation imposed under paragraph 3d above, may constitute grounds for revocation of Respondent's license as a chiropractor in Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, or any limitation imposed under paragraph 3d above, the Board may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

6. This Order shall become effective upon the date of its signing.

Chiropractic Examining Board

By:


A Member of the Board

8/14/08
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : STIPULATION
WILLIAM E. ATKINSON, D.C., : LS# 0802181CHI
RESPONDENT. :

Division of Enforcement Case # 05 CHI 037

William E. Atkinson, D.C., personally and by his attorney, Marie Stanton; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 05 CHI 037). Respondent consents to the resolution of this investigation by stipulation.

2. Respondent 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. Respondent has obtained the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Chiropractic Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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 of Enforcement for further proceedings. 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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Chiropractic Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent 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 Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

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

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stats. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHFS-licensed facility, he will need to pass a Rehabilitation Review through DHFS prior to commencement of such employment.

9. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

W. E. Atkinson D.C.
William Atkinson, D.C.
1344 Creston Park Dr.
Janesville, WI 53545

8/13/08
Date

Marie Stanton
Marie Stanton
Attorney for William Atkinson, D.C.
Hurley, Burish & Stanton, S.C.
Ten East Doty Street, Suite 320
Madison, WI 53701-1528

8/13/08
Date

Jeanette Lytle
Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

8/13/08
Date