FILE COPY

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
THOMAS J. HEINE, D.C., RESPONDENT	:	92 CHI 070

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

Thomas J. Heine
7415 Dartmoor Avenue
Greendale, WI 53129

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. Thomas J. Heine (D.O.B. 03/12/48; hereinafter referred to as respondent) is duly licensed in the state of Wisconsin to practice chiropractic (license #1349). This license was first granted on May 21, 1976.

2. Respondent's latest address on file with the Department of Regulation and Licensing is P.O. Box 381, Hales Corners, Wisconsin 53130. Respondent's current residence is 7415 Dartmoor Avenue, Greendale, Wisconsin 53129.

3. On March 28, 1989, the Wisconsin Chiropractic Examining Board issued an Order imposing discipline on respondent's license to practice chiropractic in the State of Wisconsin. Respondent appealed the Board's 1989 Order, and during the appeal process the 1989 Order was stayed. Under the terms of the Board's 1989 Order, a one year suspension of respondent's license became effective November 21, 1992. A true and correct copy of the Board's 1989 Order is attached to this Order as Exhibit A. Exhibit A is incorporated by reference in this Order.

he is currently capable of practicing chiropractic with reasonable safety to patients and the public. Such evidence shall include, but not be limited to:

i. Successful completion of all examinations necessary for original licensure as a chiropractor in the state of Wisconsin; and

ii. Submission to the Board of the results of current and complete mental and physical evaluations by health care practitioners pre-approved by the Board or its designated agent. To be considered current, the evaluations must be completed within thirty (30) days of their submission to the Board. The Board or its designated agent, in its sole discretion, shall define the parameters of the evaluations required under this order. The Board or its designated agent shall arrange the parameters of the evaluations required under this order directly with the practitioners who will perform the examination. The practitioner who evaluates respondent for purposes of this Order must be pre-approved by the Chiropractic Examining Board or its designated agent. Respondent shall provide the Board with current releases complying with state and federal laws, authorizing release and access to his evaluation records.

The Board shall have the sole discretion to decide whether respondent has provided evidence sufficient to show that he is currently capable of practicing chiropractic with reasonable safety to patients and the public.

5. All expenses of complying with the terms and conditions of this Order shall be the responsibility of the respondent.

6. In consideration of the surrender of respondent's license, the Board imposes no costs on respondent for these proceedings.

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

CHIROPRACTIC EXAMINING BOARD

By: Terry K. Freitag, DC. 11-10-94
A Member of the Board Date

ATY2-6600

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST THOMAS J. HEINE, D.C. RESPONDENT	: : : : :	FINAL DECISION AND ORDER

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

Thomas J. Heine, D.C.
555 W29956 Windcrest Drive
Waukesha, WI 53188

Chiropractic Examining Board
1400 E. Washington Avenue, Room 178
P.O. Box 8935
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
1400 E. Washington Avenue, Room 183
P.O. Box 8935
Madison, WI 53708

A hearing was conducted in the above-captioned matter on August 3, 1988, at 1400 East Washington Avenue, Madison, Wisconsin. Respondent appeared in person and by Attorney Paul R. Erickson. Complainant appeared by Attorney Michael J. Berndt. At the hearing, the parties submitted a Stipulation as to Findings of Fact and Conclusions of Law executed by Dr. Heine, Mr. Erickson and Mr. Berndt. The purpose of the hearing, therefore, was to take evidence relating to the circumstances underlying the stipulated facts and to argue as to discipline, if any, to be imposed. The parties also submitted written arguments in the latter regard, with the last of these being received on September 13, 1988.

Based upon the Stipulation and upon other evidence of record herein, the Chiropractic Examining Board adopts as its final decision in the matter the following Findings of Fact; Conclusions of Law, and Order.

FINDINGS OF FACT

1. That the respondent, Thomas J. Heine, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 446, Stats., to practice as a chiropractor in the State of Wisconsin.

2. That the respondent's license is number 1349, issued on May 21, 1976.

EXHIBIT A

3. That the respondent's address is S55 W29956 Windcrest Drive, Waukesha, Wisconsin 53188.

4. That from January, 1979, until May, 1982, Patient A was a patient of the respondent.

5. That when Patient A began seeing the respondent she was fifteen years of age.

6. That approximately one year after Patient A started seeing the respondent, the respondent kissed her and hugged her during the course of chiropractic sessions.

7. That at some later date, the respondent attempted to fondle Patient A's breasts during the course of a chiropractic session.

8. That during the period from March, 1981, until May, 1982, the respondent told Patient A he loved her and told Patient A about the possibility of a divorce from his spouse.

9. That consensual sexual contact occurred between Patient A and the respondent during chiropractic sessions on a regular basis from March, 1981, until May, 1982.

CONCLUSIONS OF LAW

1. That by engaging in the activities described above, the respondent has engaged in activities related to the practice of chiropractic which do not comply with accepted standards of practice in the profession contrary to Wis. Adm. Code sec. CHIR 3.04(8) (Register, July, 1979, No. 283).

2. That the board has jurisdiction to take disciplinary action against the respondent pursuant to sec. 446.03, Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT the license of Thomas J. Heine, D.C., to practice as a chiropractor in the State of Wisconsin be, and hereby is, suspended for a period of one year, commencing 10 days from the date of the signing of this Order.

IT IS FURTHER ORDERED that the license of Thomas J. Heine, D.C., be and hereby is, limited in the following manner:

1) That Thomas J. Heine, D.C., undergo evaluation by a psychologist acceptable to the Board, for the purpose of insuring that rehabilitation is complete; that such evaluation be followed, as determined by the psychologist, by regular psychological therapy, with quarterly reports to the Board until the psychologist deems and reports to the

Board that rehabilitation has occurred, and that this report be followed by an independent evaluation by a second psychologist acceptable to the Board, verifying that indeed rehabilitation has occurred;

2) That for an indefinite period of time after the Respondent, Thomas J. Heine, D.C., returns to his practice, the Respondent must insure that a second person, either a female employe, an adult female relative of the patient, or the patient's spouse, be present in his presence with any female patient, and that all office staff be informed of this limitation.

FURTHER, IT IS ORDERED that Counts II through VII of the Complaint herein be, and hereby are, dismissed.

EXPLANATION OF VARIANCE

The Board having adopted the hearing examiner's proposed findings of fact and conclusions of law, declines to adopt the proposed order, but instead adopts an order which reflects the Board's belief that a moderately long suspension of the Respondent's license should consist of one year.

Further, the Board's decision to impose a one year suspension of the Respondent's license and to impose certain limitations, was based upon the seriousness of the facts in this case, the Board's responsibility to protect the public, the need to deter other licensees from similar behavior, the need to insure the Respondent's complete rehabilitation, and the Board's concurrence with the legal arguments of the complainant's attorney regarding discipline.

Dated at Madison, Wisconsin, this 28 day of March, 1989.

STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD

BY: Meredith Bakke, D.C.
Meredith Bakke, D.C.
Chairman

MB:RJM:mkm
BDLS-434

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	COMPLAINT
THOMAS J. HEINE, D.C. RESPONDENT	:	92 CHI 070

Complainant, the Wisconsin Department of Regulation and Licensing Division of Enforcement by its attorney Steven M. Gloe, upon information and belief complains and alleges as follows:

COUNT I

1. Thomas J. Heine (D.O.B. 03/12/48; hereinafter referred to as respondent) is duly licensed in the state of Wisconsin to practice chiropractic (license #1349). This license was first granted on May 21, 1976.

2. Respondent's latest address on file with the Department of Regulation and Licensing is P.O. Box 381, Hales Corners, WI 53130. Respondent's current residence is 7415 Dartmoor Avenue, Greendale, WI 53129.

3. On March 28, 1989, the Wisconsin Chiropractic Examining Board issued an order imposing discipline on respondent's license to practice chiropractic in the State of Wisconsin. Respondent appealed the Board's 1989 order, and during the appeal process the 1989 order was stayed. Under the terms of the Board's 1989 order, a one year suspension of respondent's license became effective November 21, 1992. A true and correct copy of the Board's 1989 Order is attached to this Complaint as Exhibit A. Exhibit A is incorporated by reference in this complaint.

4. On or about February 12, 1993, respondent performed a chiropractic adjustment on patient Z at his offices at Chiro Life, 10712 West Grange Avenue, Hales Corners, Wisconsin. Respondent performed additional chiropractic adjustments on patient Z on exact dates unknown but during the early part of 1993.

5. By the conduct described in paragraph 4 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to Wis. Stats. §§446.02(1) and 446.03(5), and Wis. Adm. Code §Chir 6.02(4) and (25), all for the practice of chiropractic during the time when respondent's license to practice was suspended by the Board.

COUNT II

As a separate cause of action, complainant repeats and realleges the

Exhibit B

allegations of paragraphs 1, 2 and 3, above as fully as if set forth herein and further alleges upon information and belief that:

6. On or about December 14, 1992, respondent performed a chiropractic adjustment on patient Y.

7. On or about December 23, 1992, respondent [or respondent's agent acting on his behalf] submitted a health insurance claim form to National Benefits Consultants, in which he requested reimbursement for chiropractic services he performed on December 14, 1992 for patient Y.

8. Respondent received reimbursement for the claim referred to in ¶7, above.

9. By the conduct described in paragraphs 6, 7 and 8 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to: 1) Wis. Stats. §§446.02(1) and 446.03(5), and Wis. Adm. Code §Chir 6.02(4) and (25), all for the practice of chiropractic during the time when respondent's license to practice was suspended by the Board; and 2) Wis. Stats. §§446.03(4) and 446.04(1), and Wis. Adm. Code §Chir 6.02(14), for respondent's obtaining or seeking to obtain reimbursement for chiropractic services performed when respondent's license was suspended.

COUNT III

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, 2 and 3, above as fully as if set forth herein and further alleges upon information and belief that:

10. On or about November 21, 1992, respondent performed a chiropractic adjustment on patient X.

11. On or about December 23, 1992, respondent [or respondent's agent acting on his behalf] submitted a health insurance claim form to National Benefits Consultants, in which he requested reimbursement for chiropractic services he performed on November 21, 1992 for patient X.

12. Respondent received reimbursement for the claim referred to in ¶11, above.

13. By the conduct described in paragraphs 10, 11, and 12 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to: 1) Wis. Stats. §§446.02(1) and 446.03(5), and Wis. Adm. Code §Chir 6.02(4) and (25), all for the practice of chiropractic during the time when respondent's license to practice was suspended by the Board; and 2) Wis. Stats. §§446.03(4) and 446.04(1), and Wis. Adm. Code §Chir 6.02(14), for respondent's obtaining or seeking to obtain reimbursement for chiropractic services performed when respondent's license was suspended.

COUNT IV

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, 2 and 3, above as fully as if set forth herein and further alleges upon information and belief that:

14. On or about December 30, 1992, respondent performed a chiropractic adjustment on patient X.

15. On or about January 8, 1993, respondent [or respondent's agent acting on his behalf] submitted a health insurance claim form to National Benefits Consultants, in which he requested reimbursement for chiropractic services he performed on December 30, 1992 for patient X.

16. Respondent received reimbursement for the claim referred to in ¶15, above.

17. By the conduct described in paragraphs 14, 15, and 16 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to: 1) Wis. Stats. §§446.02(1) and 446.03(5), and Wis. Adm. Code §Chir 6.02(4) and (25), all for the practice of chiropractic during the time when respondent's license to practice was suspended by the Board; and 2) Wis. Stats. §§446.03(4) and 446.04(1), and Wis. Adm. Code §Chir 6.02(14), for respondent's obtaining or seeking to obtain reimbursement for chiropractic services performed when respondent's license was suspended.

COUNT V

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, 2 and 3, above as fully as if set forth herein and further alleges upon information and belief that:

18. On or about December 31, 1992, respondent performed a chiropractic adjustment on patient X.

19. On or about January 8, 1993, respondent [or respondent's agent acting on his behalf] submitted a health insurance claim form to National Benefits Consultants, in which he requested reimbursement for chiropractic services he performed on December 31, 1992 for patient X.

20. Respondent received reimbursement for the claim referred to in ¶19, above.

21. By the conduct described in paragraphs 18, 19 and 20 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to: 1) Wis. Stats. §§446.02(1) and 446.03(5), and Wis. Adm. Code §Chir 6.02(4) and (25), all for the practice of chiropractic during the time when respondent's license to

practice was suspended by the Board; and 2) Wis. Stats. §§446.03(4) and 446.04(1), and Wis. Adm. Code §Chir 6.02(14), for respondent's obtaining or seeking to obtain reimbursement for chiropractic services performed when respondent's license was suspended.

COUNT VI

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, 2 and 3, above as fully as if set forth herein and further alleges upon information and belief that:

22. On or about January 4, 1993, respondent performed a chiropractic adjustment on patient X.

23. On or about January 8, 1993, respondent [or respondent's agent acting on his behalf] submitted a health insurance claim form to National Benefits Consultants, in which he requested reimbursement for chiropractic services he performed on January 4, 1993 for patient X.

24. Respondent received reimbursement for the claim referred to in ¶23, above.

25. By the conduct described in paragraphs 22, 23, and 24 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to: 1) Wis. Stats. §§446.02(1) and 446.03(5), and Wis. Adm. Code §Chir 6.02(4) and (25), all for the practice of chiropractic during the time when respondent's license to practice was suspended by the Board; and 2) Wis. Stats. §§446.03(4) and 446.04(1), and Wis. Adm. Code §Chir 6.02(14), for respondent's obtaining or seeking to obtain reimbursement for chiropractic services performed when respondent's license was suspended.

COUNT VII

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, 2 and 3, above as fully as if set forth herein and further alleges upon information and belief that:

26. On or about January 6, 1993, respondent performed a chiropractic adjustment on patient X and drew blood for blood tests on patient X.

27. On or about January 8, 1993, respondent [or respondent's agent acting on his behalf] submitted a health insurance claim form to National Benefits Consultants, in which he requested reimbursement for chiropractic services he performed on January 6, 1993 for patient X.

28. Respondent received reimbursement for the claim referred to in ¶24, above.

29. By the conduct described in paragraphs 26, 27 and 28 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to: 1) Wis. Stats.

§§446.02(1) and 446.03(5), and Wis. Adm. Code §Chir 6.02(4) and (25), all for the practice of chiropractic during the time when respondent's license to practice was suspended by the Board; and 2) Wis. Stats. §§446.03(4) and 446.04(1), and Wis. Adm. Code §Chir 6.02(14), for respondent's obtaining or seeking to obtain reimbursement for chiropractic services performed when respondent's license was suspended.

COUNT VIII

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, 2 and 3, above as fully as if set forth herein and further alleges upon information and belief that:

30. On or about January 8, 1993, respondent performed a chiropractic adjustment on patient X.

31. On or about January 8, 1993, respondent [or respondent's agent acting on his behalf] submitted a health insurance claim form to National Benefits Consultants, in which he requested reimbursement for chiropractic services he performed on January 8, 1993 for patient X.

32. Respondent received reimbursement for the claim referred to in ¶31, above.

33. By the conduct described in paragraphs 30, 31, and 32 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to: 1) Wis. Stats. §§446.02(1) and 446.03(5), and Wis. Adm. Code §Chir 6.02(4) and (25), all for the practice of chiropractic during the time when respondent's license to practice was suspended by the Board; and 2) Wis. Stats. §§446.03(4) and 446.04(1), and Wis. Adm. Code §Chir 6.02(14), for respondent's obtaining or seeking to obtain reimbursement for chiropractic services performed when respondent's license was suspended.

COUNT IX

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, 2 and 3, above as fully as if set forth herein and further alleges upon information and belief that:

34. On or about January 11, 1993, respondent performed a chiropractic adjustment on patient X.

35. On or about March 3, 1993, respondent [or respondent's agent acting on his behalf] submitted a health insurance claim form to National Benefits Consultants, in which he requested reimbursement for chiropractic services performed on January 11, 1993 for patient X.

36. The claim form referred to in ¶35, above, indicated by signature stamp that the health care supplier was James A. Roth, D.C. Dr. Roth did not provide chiropractic services to X on January 11, 1993 and did not authorize the use of his signature to submit billing for services he did not provide.

37. Respondent received reimbursement for the claim referred to in ¶35, above.

38. By the conduct described in paragraphs 34, 35, 36 and 37 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to: 1) Wis. Stats. §§446.02(1) and 446.03(5), and Wis. Adm. Code §Chir 6.02(4) and (25), all for the practice of chiropractic during the time when respondent's license to practice was suspended by the Board; and 2) Wis. Stats. §§446.03(4) and 446.04(1), and Wis. Adm. Code §Chir 6.02(14), for respondent's obtaining or seeking to obtain reimbursement for chiropractic services performed by misrepresentation and fraud.

COUNT X

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, 2 and 3, above as fully as if set forth herein and further alleges upon information and belief that:

39. On or about January 15, 1993, respondent performed a chiropractic adjustment on patient X.

40. On or about March 3, 1993, respondent [or respondent's agent acting on his behalf] submitted a health insurance claim form to National Benefits Consultants, in which he requested reimbursement for chiropractic services performed on January 15, 1993 for patient X.

41. The claim form referred to in ¶40, above, indicated by signature stamp that the health care supplier was James A. Roth, D.C. Dr. Roth did not provide chiropractic services to X on January 15, 1993 and did not authorize the use of his signature to submit billing for services he did not provide.

42. Respondent received reimbursement for the claim referred to in ¶40, above.

43. By the conduct described in paragraphs 39, 40, 41 and 42 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to: 1) Wis. Stats. §§446.02(1) and 446.03(5), and Wis. Adm. Code §Chir 6.02(4) and (25), all for the practice of chiropractic during the time when respondent's license to practice was suspended by the Board; and 2) Wis. Stats. §§446.03(4) and 446.04(1), and Wis. Adm. Code §Chir 6.02(14), for respondent's obtaining or seeking to obtain reimbursement for chiropractic services performed by misrepresentation and fraud.

COUNT XI

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, 2 and 3, above as fully as if set forth herein and further alleges upon information and belief that:

44. On or about January 20, 1993, respondent performed a chiropractic

adjustment on patient X.

45. On or about March 3, 1993, respondent [or respondent's agent acting on his behalf] submitted a health insurance claim form to National Benefits Consultants, in which he requested reimbursement for chiropractic services performed on January 20, 1993 for patient X.

46. The claim form referred to in ¶45, above, indicated by signature stamp that the health care supplier was James A. Roth, D.C. Dr. Roth did not provide chiropractic services to X on January 20, 1993 and did not authorize the use of his signature to submit billing for services he did not provide.

47. Respondent received reimbursement for the claim referred to in ¶45, above.

48. By the conduct described in paragraphs 44, 45, 46, and 47 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to: 1) Wis. Stats. §§446.02(1) and 446.03(5), and Wis. Adm. Code §Chir 6.02(4) and (25), all for the practice of chiropractic during the time when respondent's license to practice was suspended by the Board; and 2) Wis. Stats. §§446.03(4) and 446.04(1), and Wis. Adm. Code §Chir 6.02(14), for respondent's obtaining or seeking to obtain reimbursement for chiropractic services performed by misrepresentation and fraud.

COUNT XII

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, 2 and 3, above as fully as if set forth herein and further alleges upon information and belief that:

49. On or about January 25, 1993, respondent performed a chiropractic adjustment on patient X.

50. On or about March 3, 1993, respondent [or respondent's agent acting on his behalf] submitted a health insurance claim form to National Benefits Consultants, in which he requested reimbursement for chiropractic services performed on January 25, 1993 for patient X.

51. The claim form referred to in ¶50, above, indicated by signature stamp that the health care supplier was James A. Roth, D.C. Dr. Roth did not provide chiropractic services to X on January 25, 1993 and did not authorize the use of his signature to submit billing for services he did not provide.

52. Respondent received reimbursement for the claim referred to in ¶50, above.

53. By the conduct described in paragraphs 49, 50, 51, and 52 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to: 1) Wis. Stats. §§446.02(1) and 446.03(5), and Wis. Adm. Code §Chir 6.02(4) and (25), all for

the practice of chiropractic during the time when respondent's license to practice was suspended by the Board; and 2) Wis. Stats. §§446.03(4) and 446.04(1), and Wis. Adm. Code §Chir 6.02(14), for respondent's obtaining or seeking to obtain reimbursement for chiropractic services performed by misrepresentation and fraud.

COUNT XIII

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, 2 and 3, above as fully as if set forth herein and further alleges upon information and belief that:

54. On or about March 3, 1993, respondent [or respondent's agent acting on his behalf] submitted a health insurance claim form to National Benefits Consultants, in which he requested reimbursement for chiropractic services performed on February 1, 1993 for patient X.

55. Respondent received reimbursement for the claim referred to in ¶54, above.

56. The claim form referred to in ¶54, above, indicated by signature stamp that the health care supplier was James A. Roth, D.C. Dr. Roth did not provide chiropractic services to X on February 1, 1993 and did not authorize the use of his signature to submit billing for services he did not provide.

57. Patient X did not receive chiropractic treatment at respondent's facility, Chiro Life, on February 1, 1993. In the alternative, complainant alleges that if X did receive chiropractic treatment at Chiro Life on February 1, 1993, respondent provided the treatment.

58. By the conduct described in paragraphs 54, 55, 56, and 57 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to: 1) Wis. Stats. §§446.02(1) and 446.03(5), and Wis. Adm. Code §Chir 6.02(4) and (25), all for the practice of chiropractic during the time when respondent's license to practice was suspended by the Board; and 2) Wis. Stats. §§446.03(4) and 446.04(1), and Wis. Adm. Code §Chir 6.02(14), for respondent's obtaining or seeking to obtain reimbursement for chiropractic services performed by misrepresentation and fraud.

COUNT XIV

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, 2 and 3, above as fully as if set forth herein and further alleges upon information and belief that:

59. On or about March 3, 1993, respondent [or respondent's agent acting on his behalf] submitted a health insurance claim form to National Benefits Consultants, in which he requested reimbursement for chiropractic services performed on February 8, 1993 for patient X.

60. Respondent received reimbursement for the claim referred to in ¶59, above.

61. The claim form referred to in ¶59, above, indicated by signature stamp that the health care supplier was James A. Roth, D.C. Dr. Roth did not provide chiropractic services to X on February 8, 1993 and did not authorize the use of his signature to submit billing for services he did not provide.

62. Patient X did not receive chiropractic treatment at respondent's facility, Chiro Life, on February 8, 1993. In the alternative, complainant alleges that if X did receive chiropractic treatment at Chiro Life on February 8, 1993, respondent provided the treatment.

63. By the conduct described in paragraphs 59, 60, 61 and 62 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to: 1) Wis. Stats. §§446.02(1) and 446.03(5), Wis. Stats., and Wis. Adm. Code §Chir 6.02(4) and (25), all for the practice of chiropractic during the time when respondent's license to practice was suspended by the Board; and 2) Wis. Stats. §§446.03(4) and 446.04(1), and Wis. Adm. Code §Chir 6.02(14), for respondent's obtaining or seeking to obtain reimbursement for chiropractic services performed by misrepresentation and fraud.

COUNT XV

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, 2 and 3, above as fully as if set forth herein and further alleges upon information and belief that:

64. On or about December 14, 1992, respondent performed a chiropractic adjustment on W at his residence, 7415 Dartmoor Avenue, Greendale, Wisconsin.

65. By the conduct described in paragraph 64 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to Wis. Stats. §§446.02(1) and 446.03(5), and Wis. Adm. Code §Chir 6.02(4) and (25), all for the practice of chiropractic during the time when respondent's license to practice was suspended by the Board.

COUNT XVI

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, 2 and 3, above as fully as if set forth herein and further alleges upon information and belief that:

66. On or about February 10, 1993, respondent performed a chiropractic adjustment on W at his offices at Chiro Life.

67. By the conduct described in paragraph 66 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to Wis. Stats. §§446.02(1) and 446.03(5), and Wis. Adm. Code §Chir 6.02(4) and (25), all for the practice of chiropractic during the time when respondent's license to practice was suspended by the Board.

COUNT XVII

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, 2 and 3, above as fully as if set forth herein and further alleges upon information and belief that:

68. On or about February 12, 1993, respondent performed a chiropractic adjustment on W at his offices at Chiro Life.

69. By the conduct described in paragraph 68 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to Wis. Stats. §§446.02(1) and 446.03(5), and Wis. Adm. Code §Chir 6.02(4) and (25), all for the practice of chiropractic during the time when respondent's license to practice was suspended by the Board.

COUNT XVIII

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, and 2, above as fully as if set forth herein and further alleges upon information and belief that:

70. On or about July 18, 1990, respondent engaged in sexual intimacies in his professional offices with his patient, V. Following an adjustment, respondent grabbed V's head with both of his hands and kissed V on the lips.

71. By the conduct described in paragraph 70 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to Wis. Stats. §446.03(5), and Wis. Adm. Code §Chir 6.02(7).

COUNT XIX

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, and 2, above as fully as if set forth herein and further alleges upon information and belief that:

72. On or about July 20, 1990, respondent engaged in sexual intimacies in his professional offices with his patient, V. Following an adjustment, respondent hugged V and kissed V on the lips.

73. By the conduct described in paragraph 72 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to Wis. Stats. §446.03(5), and Wis. Adm. Code §Chir 6.02(7).

COUNT XX

As a separate cause of action, complainant repeats and realleges the

allegations of paragraphs 1, and 2, above as fully as if set forth herein and further alleges upon information and belief that:

74. On exact dates unknown, but on multiple occasions between July 20, 1990 and September 21, 1990, respondent engaged in sexual intimacies in his professional offices with his patient, V. Following adjustments, respondent kissed V, touched V's breasts and upper legs, and attempted to touch V's genitals.

75. On or about September 21, 1990, respondent engaged in sexual intimacies with his patient, V. Respondent and V engaged in sexual intercourse in his professional offices.

76. By the conduct described in paragraphs 74 and 75 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to Wis. Stats. §446.03(5), and Wis. Adm. Code §Chir 6.02(7).

COUNT XXI

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, and 2, above as fully as if set forth herein and further alleges upon information and belief that:

77. On or about October 2, 1990, respondent engaged in sexual intimacies with his patient, V. Respondent and V engaged in sexual intercourse in his professional offices.

78. By the conduct described in paragraph 77 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to Wis. Stats. §446.03(5), and Wis. Adm. Code §Chir 6.02(7).

COUNT XXII

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, and 2, above as fully as if set forth herein and further alleges upon information and belief that:

79. On or about October 9, 1990, respondent engaged in sexual intimacies in his professional offices with his patient, V. Respondent and V engaged in sexual intercourse in his professional offices.

80. By the conduct described in paragraph 79 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to Wis. Stats. §446.03(5), and Wis. Adm. Code §Chir 6.02(7).

COUNT XXIII

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, and 2, above as fully as if set forth herein and further alleges upon information and belief that:

81. On or about October 16, 1990, respondent engaged in sexual intimacies with his patient, V. Respondent and V engaged in sexual intercourse in his professional offices.

82. By the conduct described in paragraph 81 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to Wis. Stats. §446.03(5), and Wis. Adm. Code §Chir 6.02(7).

COUNT XXIV

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, and 2, above as fully as if set forth herein and further alleges upon information and belief that:

83. On or about December 12, 1990, respondent engaged in sexual intimacies with his patient, V. Respondent and V engaged in sexual intercourse in his professional offices.

84. By the conduct described in paragraph 83 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to Wis. Stats. §446.03(5), and Wis. Adm. Code §Chir 6.02(7).

COUNT XXV

As a separate cause of action, complainant repeats and realleges the allegations of paragraphs 1, and 2, above as fully as if set forth herein and further alleges upon information and belief that:

85. On or about December 31, 1990, respondent engaged in sexual intimacies with his patient, V. Respondent and V engaged in sexual intercourse in his professional offices.

86. By the conduct described in paragraph 85 above, respondent is subject to disciplinary action against his license to practice Chiropractic in the state of Wisconsin pursuant to Wis. Stats. §446.03(5), and Wis. Adm. Code §Chir 6.02(7).

WHEREFORE, complainant requests that the Chiropractic Examining Board hear evidence relevant to the matters recited herein, and determine and impose discipline as warranted. Complainant further requests that the Board assess against the respondent all costs of the proceeding and order them paid to the

Department of Regulation and Licensing, pursuant to §440.22, Wis. Stats.

Steven M. Gloe

February 10, 1994

Steven M. Gloe
Attorney for Complainant
Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST THOMAS J. HEINE, D.C., RESPONDENT	: : : :	STIPULATION 92 CHI 070

It is hereby stipulated between Thomas J. Heine, personally and by his attorney, Paul R. Erickson; and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. Dr. Heine by this stipulation tenders surrender of his license to practice as a chiropractor in the state of Wisconsin. This stipulation is entered into in resolution of the disciplinary proceedings pending against Dr. Heine's license. The stipulation and order shall be presented directly to the Chiropractic Examining Board for its consideration for adoption.

2. Dr. Heine understands that by the signing of 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, and the Wisconsin Administrative Code.

3. Dr. Heine is aware of his right to seek legal representation and has obtained legal advice prior to signing this stipulation.

4. Dr. Heine 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 the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Chiropractic Examining Board assigned as an advisor in this investigation may appear before the Chiropractic Examining Board for the purposes of speaking in support of this

agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Dr. Heine in recommending the Chiropractic Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

Thomas J. Heine — Date 10 21 94

Paul R. Erickson — Date
Gutglass, Erickson & Bonneville, S.C
Attorney for Thomas J. Heine

Steven M. Gloe — Date 11/01/94
Division of Enforcement

ATY2-6600

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OCT 31 1994
Dept. of Regulation & Licensing

agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Dr. Heine in recommending the Chiropractic Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

Thomas J. Heine — Date 10 21 94

Paul R. Erickson — Date 11-1-94
Gutglass, Erickson & Bonneville, S.C
Attorney for Thomas J. Heine

Steven M. Gloe — Date 11/01/94
Division of Enforcement

ATY2-6600

OCT 31 1994
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Div. of Enforcement

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN CHIROPRACTIC EXAMINING BOARD.

1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708.

The Date of Mailing this Decision is:

NOVEMBER 11, 1994

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)