

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PATRICK ANDERSEN, D.C.,
RESPONDENT.

:
:
: FINAL DECISION
:
: AND ORDER
:
:
:

The State of Wisconsin, Chiropractic Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Hearing Examiner, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Hearing Examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Chiropractic Examining Board. Furthermore, Counts III and IV of the complaint are dismissed, pursuant to the agreement of the attorneys for the parties. Let a copy of this order be served on the respondent's attorney by certified mail.

Dated this 16 day of December, 1981.

Kenneth S. Luster, Chairman

086-775

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DEC 23 1981

Dept. of Regulation & Licensing
Division of Enforcement

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

PATRICK ANDERSEN, D.C., :
RESPONDENT. :

PROPOSED DECISION

On October 16, 1981, the hearing examiner in the captioned matter received a stipulation executed by the Respondent, Patrick Andersen, and his attorney, Kevin F. Milliken, and by attorney for the complainant, Steven M. Gloe. Submitted with the stipulation, and made contingent upon acceptance of the stipulation by the Board, was Mr. Gloe's Motion to Dismiss Count II of the Complaint filed in the matter.

Accordingly, based upon the pleadings on file herein and upon the attached stipulation of the parties, the hearing examiner recommends that the Chiropractic Examining Board adopt as its final decision in the case the following Findings of Fact, Conclusions of Law and Order, which are the terms agreed upon and stipulated to by the parties:

FINDINGS OF FACT

1. Patrick Andersen, D.C. (Andersen), was at all times relevant herein duly licensed as a chiropractor in the State of Wisconsin (license #1411).
2. Andersen's address is 6514 Odana Road, Madison, Wisconsin 53711.
3. During the months of July and August, 1980, Respondent saw Deborah W. as his patient on a regular basis at his office at Smith-Andersen Chiropractic Clinic, 1001 South Whitney Way, Madison, Wisconsin.
4. On August 18, 1980, during an appointment at Respondent's office, Respondent noted an unusual mass in the area of Ms. W.'s breasts.
5. Respondent then performed an examination of Ms. W.'s breasts in which he failed to follow standard procedure for examination of the breasts.
6. Respondent in addition failed to note this mass or the findings of his examination in his records.

CONCLUSIONS OF LAW

1. That the State of Wisconsin Chiropractic Examining Board has jurisdiction to take disciplinary action in this proceeding pursuant to Section 227.07(5) and 446.03, Wis. Stats.
2. That the conduct described in Findings of Fact #5 and #6, above, constitutes unprofessional conduct contrary to Wis. Adm. Code Section Chiro 3.05(8), and therefore establishes a basis for the imposition of discipline under Wis. Stats. Section 446.03(5).

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DEC 23 1981

Dept. of Regulation & Licensing *at*
Division of Enforcement

ORDER

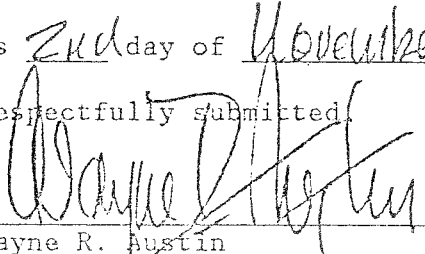
NOW, THEREFORE, IT IS ORDERED that upon motion of the attorney for the complainant, Count II of the complaint on file herein is dismissed.

IT IS FURTHER ORDERED that Patrick Andersen, D.C., be, and hereby is, reprimanded by the State of Wisconsin Chiropractic Examining Board.

In the event the State of Wisconsin Chiropractic Examining Board does not accept this proposed decision as its final decision in this matter, the case shall be returned to the hearing examiner for further proceedings with a statement from the Board as to why the proposed decision was not approved.

Dated at Madison, Wisconsin this 2nd day of November 1981.

Respectfully submitted,



Wayne R. Austin
Hearing Examiner

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DEC 23 1981

Dept. of Regulation & Licensing *ah*
Division of Enforcement

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
PATRICK ANDERSEN, D.C., :
RESPONDENT. :

The attorneys of record in the above-entitled matter, Steven M. Gloe on behalf of the Division of Enforcement, and Kevin F. Milliken on behalf of the Respondent, Patrick Andersen, having reached an agreement on the disposition of such action, enter into the following Stipulation and agree as follows that:

1. This Stipulation shall be submitted for approval to the hearing examiner of record, Donald R. Rittel, to form the basis of his proposed decision, which he will submit to the Chiropractic Examining Board for final action.

2. 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 hearing examiner for further proceedings. If the Board accepts the terms of the Stipulation, the parties in this action consent to the entry of judgment by the Board without further notice, pleading, appearance, or consent of the parties.

3. In settlement of this matter, the Respondent admits the following facts:

- a. During the months of July and August, 1980, Respondent saw Deborah W. as his patient on a regular basis at his office at Smith-Andersen Chiropractic Clinic, 1001 South Whitney Way, Madison, Wisconsin.
- b. On August 18, 1980, during an appointment at Respondent's office, Respondent noted an unusual mass in the area of Ms. W.'s breasts.
- c. Respondent then performed an examination of Ms. W.'s breasts in which he failed to follow standard procedure for examination of breasts.
- d. Respondent in addition failed to note this mass or the findings of his examination in his records.
- e. The conduct described in paragraphs 3(c) and (d) above constitutes unprofessional conduct contrary to Wis. Adm. Code sec. Chiro 3.05(8), and therefore establishes a basis for the imposition of discipline under Wis. Stats. sec. 446.03(5).

FILED
10/16/81
Dept. of Reg. & Lic.
Hearing Examiner

FILED
10/16/81
Dept. of Reg. & Lic.
Hearing Examiner

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4. In return for this Stipulation the Division of Enforcement recommends that Respondent be reprimanded.

WHEREFORE, the parties by their attorneys hereby request that the Board implement this Stipulation into its Final Decision and Order in this matter.

Steven M. Gloe
Steven M. Gloe, Attorney

10/16/81
Date

Kevin F. Milliken
Kevin F. Milliken

10/15/81
Date

Patrick Andersen DE
Patrick Andersen, Respondent

10/15/81
Date

086-356

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