

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
FRANCIS J. PASSINEAU, D.C.,	:	(87 CHI 33)
RESPONDENT.	:	

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

Francis J. Passineau, D.C.
Stewart Center
2600 Stewart Avenue
Wausau, WI 54401

Chiropractic Examining Board
P.O. Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

The parties in this matter agree 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. That Francis J. Passineau, hereinafter the Respondent, was at all times relevant to this action duly licensed as a chiropractor in the State of Wisconsin.
2. That the Respondent's license is #1249 and was issued on February 4, 1966.
3. That the Respondent's current address is Stewart Center, 2600 Stewart Avenue, Wausau, WI 54401.

4. That an informal complaint was received in the Division of Enforcement against the Respondent alleging that the Respondent provided services to patient H.N. which fell below minimally acceptable standards.

5. That the Respondent neither admits nor denies the above allegations but consents to the entry of this Final Decision and Order, including finding of fact 6.

6. That during May, 1983, the Respondent provided chiropractic services to patient H.N. in a manner which fell below minimally acceptable standards.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action in this matter pursuant to Chapter 446, Stats.

Therefore, it is hereby ORDERED:

1. That the Respondent is reprimanded.

2. That the Respondent is required to take 36 hours of continuing education within two years of the date of this Order. The continuing education must be sponsored by the ACA, WCA, ICA or a CCE Approved College. The continuing education must relate to the following areas: x-ray, diagnosis, laboratory work or the detection and differential diagnosis of carcinogenic disorders.

3. That the Respondent must present to the Board proof of professional liability insurance coverage in the sum of \$100,000 per occurrence and \$300,000 in aggregate within 90 days of the date of this Order. If the Respondent is unable to obtain coverage as required he must petition the Board for a change in this term and must supply proof of uninsurability.

4. That partial costs of the proceeding are assessed against the Respondent, payable to the Department of Regulation and Licensing, in the sum of \$300. The costs must be paid within ~~60~~ ⁹⁰ days of the date of this Order.

90 days MJB

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

Chiropractic Examining Board

By

Meredith A. Baker, D.C.
A Member of the Board

Date

4-12-90

MJB:wks
ATY-970

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

FRANCIS J. PASSINEAU, D.C.,
RESPONDENT.

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:

STIPULATION
(87 CHI 33)

It is hereby stipulated between Francis J. Passineau, D.C., personally on his own behalf and Michael J. Berndt, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Passineau's licensure by the Division of Enforcement (Passineau, 87 CHI 33). Passineau consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Passineau 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 clear, satisfactory and convincing 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. Passineau neither admits nor denies the allegations in this matter, but agrees to the adoption of the attached Final Decision and Order by the Chiropractic Examining Board.

4. 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.

5. If the Board accepts the terms of this Stipulation, 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.

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

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)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Chiropractic Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Chiropractic Examining Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Chiropractic Examining Board.

The date of mailing of this decision is April 16, 1990

WLD:dms
886-490