

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
RONALD C. WAGNER, D.C.,	:	90 CHI 53
	:	92 CHI 4
RESPONDENT.	:	

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

Ronald C. Wagner, D.C.
4222 Milwaukee Street
Madison, WI 53714

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 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. Ronald C. Wagner (D.O.B. January 21, 1946) is duly licensed in the state of Wisconsin as a chiropractor (license #1336). This license was first granted on November 20, 1975.
2. Ronald C. Wagner latest address on file with the Department of Regulation and Licensing is 4222 Milwaukee Street, Madison, Wisconsin 53714.
3. On June 27, 1990, Ronald C. Wagner, hereinafter the Respondent, provided chiropractic treatment to patient A. Prior to treatment she was expected to take off all of her clothes except for her underpants and put on an examination gown, which she did.
4. No female assistant or female relative of patient A was present during the treatment session.

5. During the course of the treatment Respondent may have touched patient A's bare breasts.

6. Respondent failed to fully inform patient A of the nature and purpose of his treatment in regards to her breast area.

CONCLUSIONS OF LAW

By the conduct described above, Respondent is subject to disciplinary action against his license to practice as a chiropractor in the state of Wisconsin, pursuant to Wis. Stats. sec. 446.03, and Wis. Adm. Code chapter CHIR 6.

The Chiropractic Examining Board is authorized to enter into the attached Stipulation pursuant to section 227.44(5), Wisconsin Statutes.

That by his conduct on June 27, 1990 with patient A, Respondent has practiced in a manner which substantially departs from the standard of care ordinarily exercised by a chiropractor, contrary to section CHIR 6.02(3), Wisconsin Administrative Code.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. That Respondent Ronald C. Wagner, license #1336 be, and hereby is Reprimanded.

2. That the license of the Respondent shall be limited for a period of three (3) years under the following terms and conditions:

a. A female assistant must be present when any type of examination or procedure is performed by the Respondent on a female patient which requires exposure of, or contact with, the intimate parts of the patient, which shall be defined as the breasts, buttocks, anus, groin, vagina or pubic mound.

b. That prior to any type of examination or patient procedure which requires the exposure of, or contact with, the above intimate parts of the patient an informed written disclosure and consent is required by any female patient. The disclosure and informed consent shall contain all relevant information pertaining to the procedure.

c. That violation of the above limitation shall constitute a basis for disciplinary action by the Chiropractic Examining Board.

3. That the Respondent must pass a course of instruction in boundary training (12 credit hours) and also a course of instruction in ethics (12 credit hours) approved by the Board prior to attendance, and submit proof of completion to the Board within twelve (12) months of the date of this Order. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board.

4. That in the event the Respondent Ronald C. Wagner fails to comply with the above education requirements within twelve (12) months of the date of this Order, and/or fails to verify the same to the Department of Regulation and Licensing within thirteen (13) months of the date of this Order, then his license #1336 shall be indefinitely suspended until he has complied with the terms of this Order.

5. That partial costs of this action are assessed against the Respondent and payable to the Department of Regulation and Licensing in the amount of \$1,000. The costs must be paid within thirty (30) days of the date of this Order.

6. IT IS FURTHER ORDERED, that the Chiropractic Examining Board shall close investigative files 90 CHI 53 and 92 CHI 4.

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".

This Order shall become effective ten (10) days following the date of its signing.

Chiropractic Examining Board

By: 

A Member of the Board

Date

11-5-92

GMS:pw
ATY-2204

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

RONALD C. WAGNER, D.C.,
RESPONDENT.

STIPULATION
90 CHI 53

The parties in this matter agree and stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Ronald C. Wagner, hereinafter the Respondent, by the Division of Enforcement (90 CHI 53). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. The Respondent understands by signing this Stipulation that he voluntarily and knowingly waives his rights in this matter, including the right to a hearing on the allegations against him, at which time the State has the burden of proving the allegations, the right to confront and cross-examine the witnesses against him, the right to call witnesses on his own 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. The Respondent voluntarily and knowingly waives the rights set forth in paragraph 2 above on the condition that all of the provisions of this Stipulation are approved by the Board.

4. With respect to the attached Final Decision and Order, Respondent admits the facts set forth in the Findings of Fact, and further agrees that the Board may reach the conclusions set forth in the Conclusions of Law and may enter the order of reprimand and limitation of license for three (3) years as set forth in the Order.

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 or the proposed Final Decision of the Board and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that the 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. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the Final Decision and Order without further notice, pleading, appearance or consent of the parties.

7. Respondent agrees that Complainant's attorney, Gerald M. Scanlan, may appear at any deliberative meeting of the Board with respect to the Stipulation but that appearance is limited to providing statements in support of the Stipulation, and to answering any questions the Board may have regarding the Stipulation. Respondent waives his rights to have notice of that hearing and to be present at the deliberative meeting of the Board.

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

10-10-92
Date

Ronald C. Wagner, D.C.
Ronald C. Wagner, D.C., Respondent

10-14-92
Date

Kevin F. Milliken
Kevin F. Milliken, Respondent's Attorney

10-20-92
Date

Gerald M. Scanlan
Gerald M. Scanlan, Attorney
Division of Enforcement

GMS:vec
ATY-1525

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 November 6, 1992.