

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

LARRY E. J. RUSSELL, D.C.,
RESPONDENT

FINAL DECISION AND ORDER
95 CHI 040

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

Larry E. J. Russell, D.C.
W8043 Birch Road
Beaver Dam WI 53916-9334

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. Larry E. J. Russell (D.O.B. 01/22/49) is duly licensed in the state of Wisconsin to practice as a chiropractor (license #1286). This license was first granted on February 6, 1973.
2. Dr. Russell's latest address on file with the Department of Regulation and Licensing is W8043 Birch Road, Beaver Dam, WI 53916.
3. On December 7, 1994 and again on January 4, 1995 the Chiropractic Examining Board wrote to Dr. Russell at the above-referenced address, requesting proof of professional liability insurance coverage. On July 26, 1995, the Division of Enforcement issued an investigative subpoena to Dr. Russell, requiring production of proof of professional liability insurance coverage.

4. Dr. Russell has provided chiropractic treatment in the state of Wisconsin without professional liability insurance coverage from at least December 7, 1994 through August 29, 1995.

5. Dr. Russell failed to timely provide information in response to the requests for information referred to in ¶3, above.

CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining Board has jurisdiction over this matter, pursuant to §§446.02 and 446.03, Wis. Stats.

2. The Wisconsin Chiropractic Examining Board is authorized to enter into the attached stipulation, pursuant to §§227.44(5), Wis. Stats.

3. By the conduct described in ¶¶3, 4 and 5, above, Larry E. J. Russell is subject to disciplinary action against his license to practice as a chiropractor in the state of Wisconsin, pursuant to Wis. Stats. §446.03(5) and Wis. Adm. Code §§Chir 3.07 and Chir 6.02(19) and (25).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Larry E. J. Russell (license #1286) is **REPRIMANDED**.

IT IS **FURTHER ORDERED** that Dr. Russell's license to practice chiropractic in Wisconsin is **LIMITED** for a period of two (2) years as follows:

Dr. Russell shall report to the Chiropractic Examining Board or its designated agent any change in the status of his professional liability insurance coverage; and

Dr. Russell shall maintain proof of current and adequate professional liability insurance coverage on file with the Chiropractic Examining Board or its designated agent.

The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports. The Department Monitor may be reached as follows:

Department Monitor
Department of Regulation Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 267-7139

IT IS **FURTHER ORDERED** that pursuant to Wis. Stats. §448.02(4) if the

Chiropractic Examining Board determines that there is probable cause to believe that Larry E. J. Russell has violated any of the terms of this Order, the Board may order that the license of Dr. Russell be summarily suspended pending investigation of the alleged violation.

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

CHIROPRACTIC EXAMINING BOARD

By:

Meredith Hughes Salter, D.C.
On Behalf of the Board

11-9-95 / CP

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
LARRY E. J. RUSSELL, D.C.,	:	95 CHI 040
RESPONDENT	:	

It is hereby stipulated between Larry E. J. Russell personally on his own behalf and Steven M. Gloe, 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 Dr. Russell's licensure by the Division of Enforcement (95 CHI 040). Dr. Russell consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Dr. Russell 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. Russell is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Dr. Russell 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.

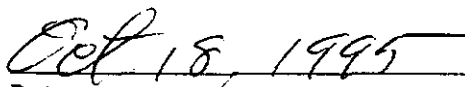
6. Attached to this Stipulation is the current licensure card of Larry E. J. Russell. If the Board accepts the Stipulation, Dr. Russell's license shall be reissued in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of

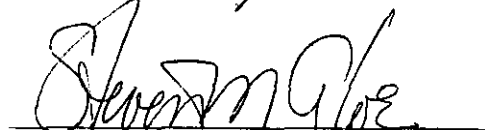
Dr. Russell shall be returned to him with a notice of the Board's decision not to accept the Stipulation.


7. 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.

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


Larry E. J. Russell


Date


Steven M. Gloe, Attorney
Division of Enforcement


Date

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:

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 13, 1995

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.)