

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
STEVEN M. MEYER, D.C.,	:	LS9606242CHI
RESPONDENT.	:	

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

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Chiropractic Examining Board.

The Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs with the Department General Counsel within 15 days of this decision. The Department General Counsel shall mail a copy thereof to respondent or his or her representative.

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

Dated this 13th day of February 1997.

Terry K. Jentz, AC

**STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD**

**IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST**

**PROPOSED DECISION
Case No. LS-9606242-CHI**

**STEVEN M. MEYER, D.C.,
RESPONDENT.**

PARTIES

The parties in this matter under § 227.44, Stats., and for purposes of review under § 227.53, Stats., are:

Steven M. Meyer, D.C.
1239 S. Military Avenue
Green Bay, Wisconsin 54304

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

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

This matter was commenced by the filing of a Notice of Hearing and Complaint on June 24, 1996. A hearing was held in the above-captioned matter on August 28, 1996. Atty. Steven M. Gloe appeared on behalf of the Division of Enforcement. Dr. Meyer did not appear at the hearing.

Based upon the record herein, the Administrative Law Judge recommends that the Chiropractic Examining Board adopt as its final decision in this matter, the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Steven M. Meyer (d.o.b. 08/02/57), is licensed as a chiropractor in the state of Wisconsin (license #2794, which was first granted on December 5, 1991). Respondent's most recent address on file with the Department of Regulation and Licensing is 1239 South Military Avenue, Green Bay, WI 54304.

2. At least from March 1995 to April 1995, patient MG submitted numerous requests to respondent for copies of her patient health care records. Patient MG provided respondent with a copy of a consent form for release of the records.

3. As of May 1996, respondent had not provided patient MG with copies of her health care records.

4. On or about August 1, 1995, the Department of Regulation and Licensing received an informal complaint alleging that respondent failed to provide patient MG, with copies of her health care records upon her request.

5. On or about April 3, 1996 and again on May 15, 1996, an investigator from the Department wrote to the respondent requesting information regarding the patient's request for health care records. In addition, the investigator left multiple telephone messages with respondent indicating a need for a written response to her inquiries. Respondent did not file any written response to these requests.

6. Respondent did not file an Answer to the Complaint filed in this matter, and did not appear at the hearing held in this matter.

CONCLUSIONS OF LAW

1. The Chiropractic Examining Board has jurisdiction in this matter pursuant to s. 446.03 (5), Stats., and ch. Chir 6, Wis. Adm. Code.

2. By failing to provide patient MG with copies of her patient health care records in accordance with s. 146.83, Stats., as described in Findings of Fact 2 and 3 herein, respondent violated s. Chir 6.02 (28), Code.

3. By refusing upon request to cooperate in a time manner with the board's investigation of a complaint against him, as described in Findings of Fact 4 and 5 herein, respondent violated s. Chir 6.02 (19), Code.

4. By failing to file an Answer to the Complaint and failing to appear at the hearing held in this matter, respondent is in default under s. RL 2.14 Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS ORDERED that the respondent, Steven M. Meyer, D.C., be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED that pursuant to s. 440.22, Stats., the cost of this proceeding shall be assessed against respondent, and shall be payable to the Department of Regulation and Licensing.

This order is effective on the date on which it is signed by a designee of the Chiropractic Examining Board.

OPINION

This matter was commenced by the filing of a Notice of Hearing and Complaint on June 24, 1996. A hearing was held in the above-captioned matter on August 28, 1996. Atty. Steven M. Gloe appeared on behalf of the Division of Enforcement. Dr. Meyer did not file an Answer to the Complaint and did not appear at the hearing.

By failing to file an Answer to the Complaint and failing to appear at the hearing held in this matter, Dr. Meyer is in default under s. RL 2.14 Wis. Adm. Code. Therefore, the Chiropractic Examining Board may make findings and enter an order on the basis of the Complaint and other evidence.

The Complainant alleges in its Complaint that by failing to provide a patient with a copy of her health care records and by refusing to cooperate in a timely manner with the Board's investigation of the patient's complaint, Dr. Meyer violated s. 446.03 (5), Stats., and s. Chir 6.02 (19) and (28), Wis Adm. Code.

Section 446.03 (5), Stats., provides that the Board may reprimand a chiropractor or limit, suspend or revoke the license of a chiropractor if it finds that the individual has engaged in unprofessional conduct.

Section Chir 6.02 (19), Code provides that it is unprofessional conduct for a chiropractor to refuse upon request to cooperate in a timely manner with the board's investigation of a complaint lodged against a licensee. Licensees taking longer than 30 days to respond shall have the burden of demonstrating that they have acted in a timely manner.

Section Chir 6.02 (28), Code provides that it is unprofessional conduct for a chiropractor to fail to release patient health care records to a patient in accordance with s.146.83, Stats.

The evidence presented establishes that Dr. Meyer failed to provide patient MG with copies of her health care records in accordance with s. 146.83, Stats., and that he refused upon request to cooperate in a timely manner with the Board's investigation of patient MG's complaint.

In March or April of 1995, patient MG made numerous attempts to obtain copies of her health care records from Dr. Meyer. She provided him with a signed consent form for the release of the records. At least as of May 1996, Dr. Meyer still had not provided the records to patient MG. At some point in time, Patient MG communicated with an attorney in reference to the records.

Karen Fahlgren, an investigator with the Department of Regulation and Licensing, testified that in April and May 1996, she made numerous attempts to contact Dr. Meyer regarding the patient's complaint. Ms. Fahlgren sent a letter to Dr. Meyer on April 3, 1996 and on May 15, 1996. She attempted to contact him by telephone and left numerous messages with individuals for him to return her call.

Ms. Fahlgren further stated that in April or May of 1996, she spoke with Dr. Meyer by telephone regarding the patient's complaint. He indicated that he needed to see the patient again before he could give the final written diagnosis. She requested a written response. She stated that Dr. Meyer indicated that he would contact the patient's attorney regarding the records. Shortly thereafter, Dr. Meyer communicated to Ms. Fahlgren that he had contacted the patient's attorney, and that her attorney told him that the patient no longer needed the records because she had gone to see another doctor. Dr. Meyer did not provide Ms. Fahlgren with any type of written response to her request for information relating to the complaint.

Having found that Dr. Meyer engaged in unprofessional conduct, a determination must be made regarding whether discipline should be imposed, and if so, what discipline is appropriate.

The Chiropractic Examining Board is authorized under s. 446.03 (5), Stats., to reprimand a chiropractor or limit, suspend or revoke the license of a chiropractor if it finds that the individual has engaged in unprofessional conduct.

The purposes of discipline by occupational licensing boards are to protect the public, deter other licensees from engaging in similar misconduct and to promote the rehabilitation of the licensee. *State v. Aldrich*, 71 Wis. 2d 206 (1976). Punishment of the licensee is not a proper consideration. *State v. McIntyre*, 41 Wis. 2d 481 (1969).

The Administrative Law Judge recommends that Dr. Meyer be reprimanded. This measure is designed primarily to assure protection of the public and to deter other licensees from engaging in similar misconduct.

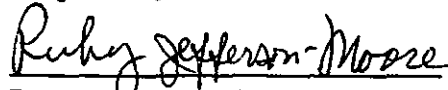
Section 146.83, Stats., provides, in part, that any patient or other person may, upon submitting a statement of informed consent receive copies of the patient's health care records upon payment of reasonable costs. This provision is in essence a consumer protection measure designed to insure that patients have access to their health care records and to insure confidentiality of the records. By failing to provide Patient MG with access to her patient records, Dr. Meyer deprived her of the rights granted to her under the statute.

Dr. Meyer's failure to cooperate with the Board's investigation of patient MG's complaint deprives the Board of its ability to fully and expeditiously investigate allegations contained in the patient's complaint and to fulfill its obligation to provide protection to the public.

Based upon the record herein, the Administrative Law Judge recommends that the Chiropractic Examining Board adopt as its final decision in this matter, the proposed Findings of Fact, Conclusions of Law and Order as set forth herein.

Dated at Madison, Wisconsin this 18th day of December, 1996.

Respectfully submitted,



Ruby Jefferson-Moore
Administrative Law Judge

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE CHIROPRACTIC EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Steven M. Meyer, D.C.,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

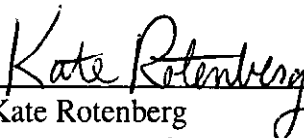
I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On February 14, 1997, I served the Final Decision and Order dated February 13, 1997, LS9606242CHI, upon the Respondent Steven M. Meyer, D.C. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 377 317.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Steven M. Meyer, D.C.
1239 S. Military Avenue
Green Bay WI 54304



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 14th day of February, 1997.



Notary Public, State of Wisconsin

My commission is permanent.

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:

February 14, 1997

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.)

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	ORDER FIXING COSTS
	:	LS9606242CHI
STEVEN M. MEYER, D.C.,	:	
RESPONDENT.	:	

On February 13, 1997, the Chiropractic Examining Board filed its Final Decision and Order in the above-captioned matter by which the board ordered that pursuant to sec. 440.22, Wis. Stats., 100% of the costs of this proceeding be assessed against respondent. Pursuant to sec. RL 2.18 (4), Wis. Adm. Code, on or about January 15, 1997, the board received the *Affidavit of Costs* in the amount of \$217.50, filed by Attorney Steven M. Gloe. On or about February 18, 1997, the board received the *Affidavit of Costs of Office of Legal Services* in the amount of \$67.87, filed by Administrative Law Judge Ruby Jefferson-Moore. The board considered the affidavits on April 10, 1997, and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding in the amount of \$285.37, which is 100% of the costs set forth in the affidavits of costs of Ruby Jefferson-Moore and Steven M. Gloe, which are attached hereto and made a part hereof, are hereby assessed against Steven M. Meyer, D.C., and shall be payable by him to the Department of Regulation and Licensing. **Failure of respondent to make payment on or before May 23, 1997, which is the deadline for payment established by the board, shall constitute a violation of the Order unless respondent petitions for and the board grants a different deadline.** Under sec. 440.22 (3), Wis. Stats., the department or board may not restore, renew or otherwise issue any credential to the respondent until respondent has made payment to the department in the full amount assessed.

To ensure that payments for assessed costs are correctly receipted, the attached "*Guidelines for Payment of Costs and/or Forfeitures*" should be enclosed with the payment.

Dated this 23RD day of APRIL, 1997 Jerry Freitag, D.C., Chair / a.j.H
A Member of the Board

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On February 13, 1997, the Chiropractic Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$285.37 Case #: LS9606242CHI

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 285.37

The costs and/or forfeitures are due: May 23, 1997

NAME: Steven M. Meyer, D.C. LICENSE NUMBER: 2794

STREET ADDRESS: 1239 South Military Avenue

CITY: Green Bay STATE: WI ZIP CODE: 54304

Check whether the payment is for costs or for a forfeiture or both:

COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935**

#2145 (Rev. 9/96)
Ch. 440.22, Stats.
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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

STEVEN M. MEYER, D.C., ,
RESPONDENT.

AFFIDAVIT OF COSTS
95 CHI 063

STATE OF WISCONSIN)
) SS
COUNTY OF DANE)

Steven M. Gloe, being duly sworn, deposes and states as follows:

1. I am an attorney licensed in the state of Wisconsin and am employed by the Wisconsin Department of Regulation and Licensing, Division of Enforcement:
2. In the course of those duties, I was assigned as a prosecutor in the above-captioned matter; and
3. Set out below are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above-captioned matter.

PROSECUTING ATTORNEY EXPENSE

<u>Date</u>	<u>Activity</u>	<u>Time Spent</u>
June 20, 1996	Case Conference; Review and sign Complaint and Notice of Hearing	0 hour 45 minutes
July 12, 1996	Preparation for and attend Prehearing Conference	0 hour 30 minutes
August 23, 1996	Prepare Witness List	0 hour 15 minutes
August 28, 1996	Hearing preparation; attend Hearing	1 hour 00 minutes

TOTAL HOURS

2 Hours 30 Min.

Total attorney expense for 2 hours and 30 minutes at \$41.00 per hour (based upon average salary and benefits for Division of Enforcement attorneys) equals:

\$102.50

INVESTIGATOR EXPENSE FOR KAREN FAHLGREN

<u>Date</u>	<u>Activity</u>	<u>Time Spent</u>
October 1995	TC to Attorney Krzewinski	0 hour 15 minutes
April 2, 1996	TC to Respondent	0 hour 05 minutes
April 3, 1996	Letter to Respondent	0 hour 30 minutes
April 9, 1996	TC to Respondent	0 hour 05 minutes
April 11, 1996	TC from Respondent; memo to file	0 hour 30 minutes
April 12, 1996	TC from Respondent; note to file	0 hour 15 minutes
April 24, 1996	TC to Respondent	0 hour 05 minutes
April 26, 1996	TC to Respondent	0 hour 05 minutes
April 30, 1996	TC to Respondent	0 hour 05 minutes
May 15, 1996	TC to Complainant, note to file	0 hour 15 minutes
May 15, 1996	Letter to Respondent	0 hour 30 minutes
May 31, 1996	Review case w/ Board Advisor	0 hour 20 minutes
June 5, 1996	Prepared Case Summary	0 hour 45 minutes
August 28, 1996	Prepare for and attend Hearing	0 hour 30 minutes

TOTAL HOURS

4 Hours 15 Min.

Total investigator expense for 4 hours and 15 minutes at \$20.00 per hour (based upon average salary and benefits for Division of Enforcement investigators) equals:

\$85.00

EXPENSE FOR LEGAL ASSISTANT

<u>Date</u>	<u>Activity</u>	<u>Time Spent</u>
June 18, 1996	Review and edit Complaint; Draft Notice of Hearing; Prepare Complaint Checklist; Obtain supervisor approval; TC to Office of Legal Services re: Hearing date and ALJ needed	0 hour 30 minutes
June 19, 1996	Coordinate scheduling Hearing w/ Office of Legal Services, ALJ and Prosecuting Attorney; Finalize Notice of Hearing	0 hour 30 minutes
June 20, 1996	Finalize Complaint; Obtain attorney signature; Copy and forward Complaint and Notice of Hearing for service	0 hour 30 minutes

TOTAL HOURS

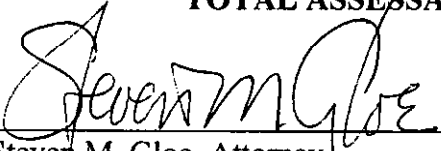
1 Hour 30 Min.

Total expense for 1 hour and 30 minutes at
\$20.00 per hour (based upon average salary and benefits)
equals:

\$30.00

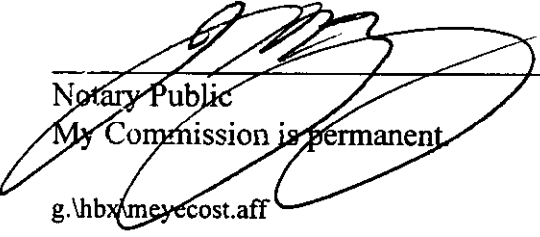
TOTAL ASSESSABLE COSTS

\$217.50



Steven M. Gloe, Attorney

Subscribed and sworn to before me this
13th day of January, 1997



Notary Public
My Commission is permanent.
g:\hbx\meyecost.aff



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Marlene A. Cummings
Secretary

Tommy G. Thompson
Governor

1400 E WASHINGTON AVENUE
P O BOX 8935
MADISON WISCONSIN 53708-8935
(608) 266-2112

February 18, 1997

STEVEN M. MEYER, D.C.
1239 S MILITARY AVENUE
GREEN BAY WI 54304

RE: In The Matter of Disciplinary Proceedings Against Steven M. Meyer, D.C.,
Respondent, LS9606242CHI, Assessment of Costs

Dear Dr. Meyer:

On February 13, 1997, the Chiropractic Examining Board issued an order involving your license to practice chiropractic. The order requires payment of the costs of the proceedings.

Enclosed please find the Affidavits of Costs of the Office of Legal Services and the Division of Enforcement in the above captioned matter. The total amount of the costs of the proceedings is \$285.37.

Under sec. RL 2.18, Wis. Adm. Code, objections to the affidavits of costs shall be filed in writing. Your objections must be received at the office of the Chiropractic Examining Board, Room 174, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, on or before March 16, 1997. After reviewing the objections, if any, the Chiropractic Examining Board will issue an Order Fixing Costs. Under sec. 440.23, Wis. Stats., the board may not restore or renew a credential until the holder has made payment to the department in the full amount assessed.

Thank you.

Sincerely,

Pamela A. Haack
Administrative Assistant
Office of Legal Services

Enclosures

cc: Chiropractic Examining Board
Department Monitor

Regulatory Boards

Accounting; Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers, Marriage and Family Therapists and Professional Counselors; and Veterinary.