

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 :

RICHARD J. RANICKE, D.C. :
RESPONDENT. :

96 CHI 067

LS9705221CHI

FINAL DECISION AND ORDER

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

Richard J. Ranicke, D.C.
1387 Homestead Ct.
Hubertus, WI 53033

Wisconsin 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 Chiropractic Examining 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. Richard J. Ranicke, D.C., Respondent, date of birth May 3, 1962, is licensed by the Wisconsin Chiropractic Examining Board to practice chiropractic in the state of Wisconsin, pursuant to license number 0002513, which was first granted December 14, 1989.

2. Respondent's last address reported to the Department of Regulation and Licensing is 1387 Homestead Ct., Hubertus, WI 53033.

3. On August 26, 1996, Respondent was charged in Milwaukee County Wisconsin Circuit Court case number F-964225 with one count of violating § 948.02(2), Stats., (Second Degree Sexual Assault of a Child), a class BC felony, for having sexual contact on or about July 25, 1996 with a 14 year old girl.

4. On September 25, 1996, Respondent was charged in Washington County Wisconsin Circuit Court case number 96-CF-277 with one count of violating § 948.02(2), Stats., (Second Degree Sexual Assault of a Child), a class BC felony, for having sexual intercourse in July of 1996 with the same 14 year old girl and one count of violating § 940.225(3), Stats., (3rd Degree Sexual Assault) for having sexual intercourse with the same 14 year old girl in July of 1996, without her consent, a class D Felony.

5. On November 7, 1996, pursuant to a plea agreement, the charge in Milwaukee County Circuit Court case number F-964225 was amended to a violation of § 940.225(3), Stats. (3rd Degree Sexual Assault) a class D felony, and Respondent was convicted of that charge, upon his plea of guilty.

6. Respondent has pled not guilty to the charges in the Washington County matter and it is scheduled for jury trial on June 16, 1997.

7. The 14 year old girl referred to in Findings 3 and 4 was employed by Respondent in his chiropractic office during the time period of the acts charged in the two criminal proceedings. The sexual assault to which Respondent pled guilty in Milwaukee County occurred after Respondent drove the 14 year old girl to her home when she finished working in Respondent's office that day.

8. 2nd Degree Sexual Assault, § 940.225.(3), Stats., is a felony substantially related to the practice of chiropractic.

9. The Department of Regulation and Licensing, Division of Enforcement has received information from two of Respondent's adult female patients and an adult female former employee of Respondent alleging that Respondent made inappropriate comments of a sexual nature to each of them in Respondent's office during 1995.

10. The Division of Enforcement requested that Respondent be psychologically evaluated by a psychologist approved by the Division, in order to assist in arriving at an appropriate resolution of this matter. Respondent agreed to the evaluation and it was performed by Dr. Michael J. Spierer, a Madison Psychologist on March 24, 1997. Dr. Spierer prepared a written report, dated April 6, 1997, setting out the results of the evaluation.

11. Dr. Spierer rendered his opinion, to a reasonable degree of professional certainty, that Respondent will be able to safely practice his profession, if the limitations and conditions set out in Dr. Spierer's evaluation are followed. The Order, below, incorporates those limitations and conditions.

CONCLUSIONS OF LAW

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

2. The Wisconsin Chiropractic Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent is subject to discipline pursuant to § 446.03(3), Stats., for having been convicted of a felony which substantially relates to the practice of Chiropractic and pursuant to Wis. Admin. Code § CHI 6.02(26) for having engaged in unprofessional conduct by having violated a law substantially related to the practice of chiropractic.

ORDER

I. The license to practice chiropractic in the State of Wisconsin of Richard J. Ranicke is hereby **SUSPENDED** for a period of two years, commencing June 22, 1997.

II. 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 and petitions, and requesting additional monitoring and surveillance. 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

III. Respondent shall, within 30 days of the date of this order:

A. Enter into, and fully participate in, psychotherapy with a psychologist, who shall be approved by the Board following an opportunity for input by the Division of Enforcement, and who shall be provided with a copy of Dr. Spierer's psychological assessment report of April 6, 1997.

1. The psychotherapy shall follow the specific recommendations for individual therapy set out on page eight of Dr. Spierer's psychological assessment report of April 6, 1997, and shall, among other things,:

- Focus on increasing Respondent's insight and judgment.
- Review and address his adoption, his parent's divorce, and the models of interpersonal and family behavior they provided.
- Review and address personality issues and their impact on relationships with family, subordinates and patients.
- Review and address transference issues, boundary issues and motivation for treatment.

2. The costs of the psychotherapy shall be the responsibility of the Respondent or his health insurer.

3. Respondent's appointed psychologist shall file reports with the Board Monitor, on a date to be determined by the Board Monitor, every three months beginning three months from the date of this Order. The reports shall indicate: the dates and frequency of psychotherapy sessions; whether Respondent has actively participated in psychotherapy, the issues that are being addressed; whether progress has been made on those issues; Respondent's prognosis; and any other information relevant to Respondent's treatment and condition. It is Respondent's responsibility to insure that the reports are filed on time.

4. Respondent's appointed psychologist or another psychologist, who shall be approved by the Board following an opportunity for input by the Division of Enforcement, shall perform re-evaluations of Respondent and file the evaluation reports with the Board Monitor, on a date to be determined by the Board Monitor, every three months beginning three months from the date of this Order. The evaluation reports shall indicate: whether progress has been made on those issues being addressed in Respondent's psychotherapy; Respondent's prognosis; whether Respondent is psychologically able to safely practice his profession and any other information relevant to Respondent's treatment and condition. It is Respondent's responsibility to insure that the reports are filed on time.

5. If at any time Respondent's appointed psychologist has a reasonable concern that Respondent's psychological condition is such that Respondent cannot practice chiropractic with reasonable safety to patients, the psychologist shall immediately report that concern and the basis for the concern to the Board.

6. Respondent shall provide and keep on file with the appointed psychologist and all mental health treatment facilities and personnel where Respondent receives evaluation or treatment, subsequent to May 1, 1997, current releases which comply with state and federal laws authorizing release of all of

Respondent's medical and treatment records and reports to the Board Monitor and investigators and attorneys in the Division of Enforcement. In addition, these releases shall permit the appointed psychologist and those other personnel to disclose and discuss the progress of Respondent's treatment and rehabilitation with the Board Monitor and investigators and attorneys in the Division of Enforcement. The Board Monitor and the investigators and attorneys in the Division of Enforcement may share those records and information with the Board as reasonably necessary. Copies of these releases shall be filed simultaneously with the Department Monitor.

- B. Enter into and fully participate in an educational program:
- Focusing on sensitizing Respondent to the issue of sexual harassment in order to increase his awareness of the impact of his behavior on co-workers and patients;
 - Provided to Respondent on an individual basis by Dr. Richard J. Brunkan, Ph.D., a business psychologist who practices in Milwaukee.
 - Be concluded by Dr. Brunkan sending a written report to the Board Monitor specifying the program's purpose, format and content and stating whether Respondent has successfully completed the program by acquiring the desired awareness and understanding in this area.

IV. At the end of the first year of the suspension, Respondent may petition the Board for a stay of the remainder of the suspension. The Board's decision of whether or not to stay the suspension and what conditions to impose if a stay is granted shall be in the sole discretion of the Board.

V. On June 22, 1999 the suspension of Respondent's license shall end, conditioned upon Respondent providing to the Board Monitor sufficient proof of:

- A. Respondent not having practiced chiropractic in the state of Wisconsin during that year and Respondent having submitted an affidavit to the Board Monitor verifying that.
- B. Respondent having complied with all aspects of the psychotherapy requirements set out in III. A. 1-6, above.
- C. Respondent's appointed psychologist and evaluating psychologist not having reported concerns about Respondent's ability to practice chiropractic safely.
- D. Respondent's appointed psychologist having reported that continuing progress has been made in addressing the issues specified in III. A. 1, above.
- E. Respondent having successfully completed the educational program set out in III. B, above.

VI. At the end of the suspension, whether or not portions have been stayed, Respondent's license shall be limited as set out in subparagraphs A through D, below, until Respondent provides the Board with a psychological evaluation of Respondent performed by a psychologist, who shall be approved by the Board following an opportunity for input by the Division of Enforcement, which states that those limitations are no longer necessary to assure the safety of patients and public.

A. Respondent shall continue with psychotherapy under all of the terms set out in III A. 1-6, above.

B. Respondent shall not practice in a setting where there is any female employee under the age of 21.

C. A female employe shall be physically present in the treatment or consultation room at all times that Respondent is treating or consulting with a female patient of any age.

D. Respondent's practice of chiropractic shall be in a setting in which Respondent shall be supervised by a chiropractor approved by the Board.

- The supervising chiropractor shall be physically present at the facility where Respondent is consulting with or treating patients as frequently as the supervising chiropractor shall deem necessary to accomplish the supervision, but not less than one hour each week.
- The supervision shall include unannounced visits to the facility by the supervising chiropractor.
- The supervision shall be for the purpose of the supervising chiropractor monitoring Respondent's practice with respect to Respondent's ability to maintain appropriate boundaries with patients and office staff and the supervision shall be directed at issues of transference, appropriate verbalizations with patients, ethical issues and any other problems that may arise in the treatment process.
- The supervising chiropractor shall also ensure that subparagraphs B. and C. are complied with.
- During supervision, the supervising chiropractor shall do whatever the supervising chiropractor deems necessary to accomplish the purposes of the supervision, which may include: meeting with Respondent and discussing the issues; reviewing patient charts; and, interviewing staff and patients.
- The supervising chiropractor shall submit quarterly reports to the Board Monitor, on a date to be determined by the Board Monitor. The report shall indicate whether supervision has occurred as required in this paragraph and whether Respondent is in compliance with the limitations imposed on his practice. If there have been problems in Respondent's practice, the report shall describe those problems. It is Respondent's responsibility to insure that the reports are filed on time.


- If the supervising chiropractor becomes aware the Respondent is not complying with any limitation or condition on Respondent's license, the supervising chiropractor shall immediately notify the Board Monitor.

E. If Respondent believes that any limitation maintained by the Board under this paragraph is inappropriate, Respondent may seek a class 1 hearing pursuant to sec. 227.01(3)(a), Stats., in accordance with the procedures set forth in Wis. Adm. Code Ch. RL 1, in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The Board's decision maintaining limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

VII. Any substantial violation of any term or condition of this Order, or of any limitation imposed by this Order, may constitute grounds for revocation of Respondent's license to practice chiropractic in the state of Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has engaged in a substantial violation of the terms of this Order, or any limitation imposed by this Order, the Board may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

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".

Dated at Madison, Wisconsin this 22nd day of May, 1997.


Terry K. Freitag, D.C.
Chairperson
Chiropractic Examining Board

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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: 96 CHI 067
RICHARD J. RANICKE, D.C. :
RESPONDENT. :

STIPULATION

It is hereby stipulated and agreed, by and between Richard J. Ranicke, D.C., Respondent; Mary H. Michal of Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C., attorneys for Respondent; and, John R. Zwieg, as attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent by the Department of Regulation and Licensing, Division of Enforcement on behalf of the Chiropractic Examining Board (file 96 CHI 067).
2. Respondent understands that by the signing of this Stipulation Respondent voluntarily and knowingly waives Respondent's rights, including: the right to a hearing on the allegations against Respondent, 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 Respondent; the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena; the right to testify; 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Respondent is aware of his right to seek legal representation prior to signing this Stipulation, and has done so.
4. Respondent neither admits nor denies the allegations in this matter, but agrees that there is evidence which supports the findings made in the attached Final Decision and Order, and agrees to the adoption of the attached Final Decision and Order by the 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.


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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.

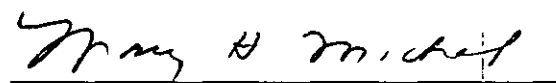
6 Attached to this Stipulation are Respondent's current wall and wallet registration certificates.

7. The parties to this Stipulation agree that the Respondent, Respondent's attorney, if any, an attorney for the Division of Enforcement, and the member of the Board who has been appointed as the investigative advisor may appear before the 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.

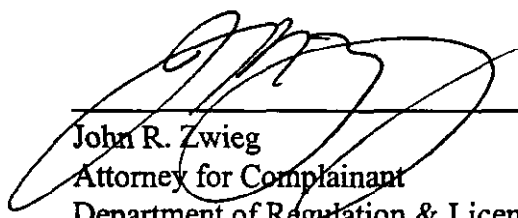
Dated this 22nd day of May, 1997.


Richard J. Ranicke, D.C.
Respondent

Dated this 22nd day of May, 1997.


Mary H. Michal
Reinhart, Boerner, Van Deuren,
Norris & Rieselbach, S.C.
Attorneys for Respondent

Dated this 21st day of May, 1997.


John R. Zwieg
Attorney for Complainant
Department of Regulation & Licensing
Division of Enforcement

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

In the Matter of the Disciplinary Proceedings Against

Richard J. Ranicke, 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 June 12, 1997, I served the Final Decision and Order dated May 22, 1997, LS9705221CHI, upon the Respondent Richard J. Ranicke's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney 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 221 157 562.

Mary H. Michal, Attorney
7617 Mineral Point Road
P.O. Box 2020
Madison WI 53701-2020

Kate Rotenberg

Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 12th day of June, 1997.

Robert T. Ganche

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:

June 12, 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.)