

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 :

JAMES D. HOGG, D.C., :
RESPONDENT :

FINAL DECISION AND ORDER
96 CHI 083

LS9712181CHI

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

James D. Hogg, D.C.
430 W. 35th St.
Davenport, IA 52806

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. James D. Hogg, D.C. (D.O.B. 12/27/49) is duly licensed in the state of Wisconsin as a chiropractor (license #2066). This license was first granted on October 26, 1975.

2. Respondent's latest address on file with the Department of Regulation and Licensing is 430 W. 35th St., Davenport, IA 52806.

3. On or about July 16, 1996, the Illinois Department of Professional Regulation imposed disciplinary action against the license of Respondent. A true and correct copy of the Illinois July 16, 1996, Order is attached and incorporated by reference into this document as Exhibit A. On or about March 5, 1997 and based upon the Illinois Order, the Iowa Board of Chiropractic Examiners entered into a Stipulation and Informal Settlement Agreement. A true and correct copy of this document is attached and incorporated by reference into this document as Exhibit B.

4. Respondent consents to the issuance of the following Conclusions of Law and Order in resolution of this matter.

CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining Board has jurisdiction over this matter, pursuant to sec. 446.03, Stats.
2. The Wisconsin Chiropractic Examining Board is authorized to enter into the attached stipulation, pursuant to secs. 227.44(5) and 440.21, Stats.
3. By the conduct described in par. 3, above, James D. Hogg is subject to disciplinary action against his license to practice chiropractic in the state of Wisconsin, pursuant to sec. 446.03(5), Stats. and Wisconsin Administrative Code §Chir 6.02(22).

ORDER

- A. NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Stipulation is accepted.
- B. IT IS FURTHER ORDERED that the Wisconsin license of James D. Hogg, D.C. is LIMITED as follows:
1. Respondent shall immediately surrender all indicia of Wisconsin registration to the Department Monitor. The Department shall reissue registration credentials to Respondent marked "limited."
 2. Until otherwise ordered by the Board, Respondent shall refrain from practicing pediatric chiropractic care in Wisconsin.
 3. Respondent shall comply with all terms of his settlement agreements with Illinois and Iowa and any other agreements, stipulations or orders with any governmental agencies or state chiropractic boards. Respondent shall provide the Wisconsin Chiropractic Examining Board copies of his monthly and quarterly reports required by the Iowa Board of Examiners evidencing his appropriate chiropractic care. Respondent shall also provide the Examining Board copies of records evidencing his successful completion of the continuing education requirements imposed upon him by the state of Illinois.
 4. Upon Respondent's successful completion of his probation with Illinois and Iowa, he may petition the Wisconsin Chiropractic Examining Board for reinstatement of an unlimited license. The Board may in its discretion require that Respondent personally appear before the Board in conjunction with a petition under this paragraph to answer any questions the Board may have concerning this matter. If the Board denies in whole or in part a petition under

this paragraph, the Board shall upon timely receipt of a request for hearing by Respondent afford Respondent an opportunity for hearing. A hearing held pursuant to this paragraph shall be a class 1 proceeding, within the meaning of secs. 227.01(3)(a), Stats. A request for hearing by Respondent on the denial of a petition must be filed within thirty (30) days from the date of service of the denial.

5. Any petition or report submitted under this order shall be submitted to:

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

C. Violation of any of the terms of this Order or the conditions imposed as a result of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license; the Board in its discretion may in the alternative impose additional conditions and limitations and/or other additional discipline for a violation of any of the terms of this Order.

D. This Order shall become effective on the date of its signing.

CHIROPRACTIC EXAMINING BOARD

By: Terry K Freitag, D.C.
A Member of the Board

Dec. 18, 1997
Date



Illinois Department of Professional Regulation

Nikki M. Zollar
Director

Jim Edgar
Governor

C E R T I F I C A T I O N

I, Nikki M. Zollar, do hereby certify that I am the Director of the Department of Professional Regulation of the State of Illinois and the keeper of its records and its Seal. Such document(s) attached hereto are certified copies of the records maintained by this Department.

IN WITNESS WHEREOF, I have set my hand and Seal of the said Department of Professional Regulation at Springfield, Sangamon County, Illinois, this 28th day of March, 1997.

Nikki M. Zollar
Director

S E A L

EX. A

STATE OF ILLINOIS

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)
of the State of Illinois, Complainant)
v.) No. 92-3802-LEG
JAMES D. HOGG, D.C.)
License No. 038-004770, Respondent)

ORDER

This matter having come before the Medical Disciplinary Board of the Department of Professional Regulation of the State of Illinois, and the Medical Disciplinary Board, having approved a Stipulation and Recommendation for Settlement submitted by the parties;

NOW, THEREFORE, I, NIKKI M. ZOLLAR, DIRECTOR OF THE DEPARTMENT OF PROFESSIONAL REGULATION of the State of Illinois, do hereby adopt the Stipulation and Recommendation for Settlement approved by the Medical Disciplinary Board in this matter.

IT IS THEREFORE ORDERED that the Certificate of Registration, License No. 038-004770, heretofore issued to James D. Hogg, D.C. to practice medicine as a Chiropractic Physician in the State of Illinois is Suspended for a period of one (1) year beginning on the date of this Order, to be followed by Probation for three (3) years in accordance with the Stipulation and Recommendation for Settlement which is attached hereto and incorporated herein.

IT IS FURTHER ORDERED that James D. Hogg, D.C. immediately surrender said Certificate of Registration and all other indicia of

licensure to the Department of Professional Regulation of the State of Illinois. Upon failure to do so, the Department shall seize said Certificate of Registration.

DATED THIS 16th DAY OF July, 1996

DEPARTMENT OF PROFESSIONAL REGULATION
of the State of Illinois

Nikki M. Zollar
NIKKI M. ZOLLAR
DIRECTOR

NMZ:reu

REF: License No. 038-004770
Case No. 92-3802-LEG

STATE OF ILLINOIS

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)
of the State of Illinois, Complainant)
)
v.) No. 92-3802-LEG
)
JAMES D. HOGG, D.C.)
License No. 038-004770, Respondent)

STIPULATION AND RECOMMENDATION FOR SETTLEMENT

The Department of Professional Regulation by John M. Goldberg, its attorney, and James D. Hogg, D.C., Respondent, by his attorneys, Glen D. Crick and Edward Williams, submit the following Stipulation and Recommendation for Settlement to the Medical Disciplinary Board for its approval and favorable recommendation to the Director.

STIPULATION OF FACTS

1. That on March 17, 1995, the Department filed a Complaint against Respondent alleging that Respondent engaged in gross negligence and unprofessional conduct in his treatment of a patient and that Respondent failed to report an instance of suspected abuse or neglect, as required by law, to the Illinois Department of Children and Family Services.
2. Respondent has been advised that he has the right to be represented by counsel and has retained Glen D. Crick and Edward Williams as his attorneys. Respondent has fully discussed the allegations made in the Complaint with his counsel. Respondent has been advised that he has a right

to a formal evidentiary hearing and waives such right to a hearing if this Recommendation is approved.

3. Respondent admits that at all times pertinent to the Complaint he was licensed as a Chiropractic Physician holding license No. 038-004770 in the State of Illinois.
4. The Respondent and the Department respectively represent that, if a hearing is held in this matter, each is prepared to present witnesses who would testify, among other things, to the matters listed above. The Respondent and the Department respectively reserve the right to object to all representations made by the opposing party if this matter proceeds to a contested hearing.
5. Respondent does not admit the truth of the allegations contained in the Department's Complaint, but for purposes of settlement only agrees not to contest the allegations if this Recommendation is approved by the Medical Disciplinary Board.
6. For purposes of settlement only, Respondent acknowledges that a violation of the Medical Practice Act may be found by the Medical Disciplinary Board following review of the Stipulation.
7. In the event that this Recommendation is not approved by the Medical Disciplinary Board, this acknowledgment shall not be admissible in any proceeding and the matter will be set for an evidentiary hearing on the merits as if

this Recommendation had not been submitted. In addition, upon approval of this Recommendation, this acknowledgement may not be utilized in any other proceeding except one to enforce this agreement.

8. Respondent has been advised that he has the right to file for a rehearing of the matter within 20 days of the Department's action in this case. Respondent hereby waives such a right to a rehearing if this Recommendation is approved.
9. Respondent has been advised that he has a right to Administrative Review of the Order entered by the Director in this case. Respondent hereby waives such right to review if this Recommendation is approved.

RECOMMENDATION FOR SETTLEMENT

10. In the interest of a prompt and just settlement in this matter in a manner consistent with the public interest and in light of the responsibilities of the Medical Disciplinary Board, the Department and the Respondent offer the following program for approval by the Medical Disciplinary Board. This Recommendation shall be considered to be an integrated package such that approval of this Recommendation without change is necessary.
11. Upon notification that the Recommendation has been approved and that the Director has entered an Order adopting the Recommendation of the Medical Disciplinary Board, Respondent agrees:

- A. Respondent's license to practice as a Chiropractic Physician in the State of Illinois is hereby Suspended for a period of one (1) year, followed by a three (3) year Probation.
- B. During the one-year period of Suspension, Respondent shall successfully complete 200 hours of remedial medical education (RME), with 100 hours of RME in the area of pediatrics and 100 hours of RME in the area of nutrition, which shall be preapproved by the Medical Coordinator.
- C. During the three-year period of Probation, Respondent shall successfully complete 200 hours of remedial medical education, with 100 hours of RME in the area of recordkeeping and 100 hours of RME in the area of laboratory diagnosis, which shall be preapproved by the Medical Coordinator.
- D. In the event that Respondent cannot locate a sufficient number of credit hours acceptable to the Medical Disciplinary Board in the above subject areas within a 100 mile radius of Respondent's home, Respondent may, with the approval of the Medical Coordinator, take other courses acceptable to the Medical Coordinator.

- E. During the period of probation Respondent shall maintain and have readily available for submission to the Department for review by the Medical Coordinator, copies of patient records for all patients treated in Illinois under sixteen (16) years of age, which list the first name of the patient with other identifying information redacted, the subjective symptoms of the patient, objective findings based on examination of the patient, laboratory findings concerning the patient, the differential diagnosis, the treatment plan for the patient, and any results noted.
- F. During the period of probation Respondent shall provide quarterly reports to the Department listing the first names only of all patients under sixteen (16) years of age he has treated in Illinois during the quarter and the names of any other physicians or other medical practitioners with whom he has consulted concerning the treatment of those patients.
- G. During the period of probation, Respondent shall notify the Department's Probation Compliance Unit of any change in employment within five (5) days.
- H. Within ten (10) days of the date Respondent is notified that the Director has approved this

Stipulation and Recommendation, Respondent shall surrender to the Department all indicia of licensure, including all copies of wall certificates and wallet cards, which shall be returned to the Respondent at the end of the period of Suspension.

- I. All reports required to be submitted to the Department pursuant to this Stipulation and Recommendation for Settlement other than those specifically directed to the Medical Coordinator shall be sent to the Department of Professional Regulation, Attn: Alan Cutler, Probation Compliance Unit, 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601.

I have read this Stipulation and Recommendation for Settlement and have fully discussed it with my attorneys. I agree to be bound by its terms.

6-5 '96
DATE

James D. Hogg, Jr.
James D. Hogg
Respondent

06/10/96
DATE

Glen Crick
Glen Crick
Attorney for the Respondent

06-10-96
DATE

Edward W. Williams
Edward W. Williams
Attorney for the Respondent

June 10, 1996
DATE

John M. Goldberg
John M. Goldberg
Attorney for the Department

The foregoing Stipulation and Recommendation for Settlement is approved by the Medical Disciplinary Board as its decision on this 19th day of June, 1996. The Medical Disciplinary Board concludes that Respondent has violated the Medical Practice Act and hereby recommends that the Director approve the Recommendation set forth herein by issuing an appropriate Order.

DATE

[Signature]
Chairman of the Medical
Disciplinary Board

DATE

[Signature]
Member

DATE

[Signature]
Member

DATE

[Signature]
Member

DATE

Member

DATE

Member

STATE OF ILLINOIS

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)
of the State of Illinois, Complainant)
v.) No. 92-3802-LEG
JAMES D. HOGG, D.C.)
License No. 038-004770, Respondent)

SECOND AMENDED COMPLAINT

Now comes the DEPARTMENT OF PROFESSIONAL REGULATION of the State of Illinois, by its Chief of Medical Prosecutions, Michael V. Favia, and as its SECOND AMENDED COMPLAINT against James D. Hogg, D.C., Respondent, complains as follows:

COUNT I

1. James D. Hogg, D.C. is presently the holder of a Certificate of Registration as a Chiropractic Physician in the State of Illinois, License No. 038-004770, issued by the Department of Professional Regulation of the State of Illinois. Said license is presently in active status.
2. At all times contained herein the Respondent practiced as a Chiropractic Physician in Rock Island, Illinois.
3. On or about April 25, 1991 Matthew Goodwin was born.
4. At the time of birth Matthew Goodwin weighed eight pounds, ten ounces (8 lbs, 10 oz).
5. On or about July 8, 1991 Matthew Goodwin entered into a physician-patient relationship with the Respondent.
6. Matthew Goodwin presented with complaints of skin problems, rash on scalp and face, sinus problems, spitting up, gas and restless nights.

7. The Respondent saw and treated Matthew Goodwin on a regular basis through March 27, 1992.
8. On or about March 27, 1992 Matthew Goodwin was placed in a hospital by an investigator from the Illinois Department of Children and Family Services.
9. On or about April 30, 1992 Matthew Goodwin died as result of starvation and neglect, with a condition of Microcephaly.
10. The Respondent committed the following acts or omissions which evidence recklessness or carelessness toward or a disregard for the safety or well-being of Matthew Goodwin:
 - a. Failed to take an adequate history;
 - b. Failed to evaluate the patient's blood pressure;
 - c. Failed to evaluate the patient's pulse rate;
 - d. Failed to record the patient's height;
 - e. Failed to record the patient's weight;
 - f. Failed to record the patient's temperature;
 - g. Failed to evaluate the ideology of the patient's rash;
 - h. Failed to evaluate the ideology of the patient's vomiting;
 - i. Failed to refer the patient to any specialist to perform an evaluation;
 - j. Failed to refer the patient to a pediatrician;
 - k. Failed to refer the patient to a dermatologist;
 - l. Failed to correspond with any other physician seen by the patient;
 - m. Utilized surrogate testing;

- n. Utilized Applied Kinesiology to treat this patient;
 - o. Prescribed herbs and mixtures to treat this patient;
 - p. Failed to perform diagnostic studies;
 - q. Failed to appropriately respond to his patient's condition; and
 - r. Failed to recognize that his patient was suffering from starvation and neglect.
11. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to 225 Illinois Compiled Statutes (1992), paragraph 60/22(a)(4).

WHEREFORE, based on the foregoing allegations, the DEPARTMENT OF PROFESSIONAL REGULATION of the State of Illinois, by Michael V. Favia, its Chief of Medical Prosecutions, prays that the Chiropractic Physician license of James D. Hogg, D.C. be suspended, revoked, or otherwise disciplined.

COUNT II

- 1-10. The Department realleges paragraphs 1 through 10 of Count I as paragraphs 1 through 10 of Count II.
11. The Respondent failed to report the foregoing instance of abuse or neglect, as required by law, to the Illinois Department of Children and Family Services.
12. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to 225 Illinois Compiled Statutes (1992), paragraph 60/22(a)(22).

WHEREFORE, based on the foregoing allegations, the DEPARTMENT OF PROFESSIONAL REGULATION of the State of Illinois, by Michael V. Favia, its Chief of Medical Prosecutions, prays that the Chiropractic Physician license of James D. Hogg, D.C. be suspended, revoked, or otherwise disciplined.

COUNT III

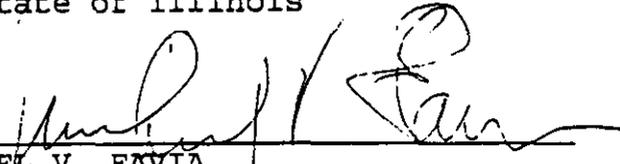
- 1-10. The Department realleges paragraphs 1 through 10 of Count I as paragraphs 1 through 10 of Count III.
11. The Respondent failed to utilize or possess a pediatric scale.
12. The Respondent was not adequately trained in the sub-specialty of Pediatric Chiropractic in violation of 68 Illinois Administrative Code Part 1285.240(a)(1)(C).
13. The Respondent was not competent to render pediatric care to the patient in violation of 68 Illinois Administrative Code Part 1285.240(a)(1)(C).
14. The Respondent failed to recognize that his patient was suffering from starvation and neglect in violation of 68 Illinois Administrative Code Part 1285.240(a)(1)(B) and (E).
15. The Respondent breached his responsibility to his patient according to accepted chiropractic standards of practice by committing the preceding acts or omissions as enumerated in paragraphs 10 through 14 in violation of 68 Illinois Administrative Code Part 1285.240(a)(2)(E).

16. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to 225 Illinois Compiled Statutes (1992), paragraph 60/22(a)(5).

WHEREFORE, based on the foregoing allegations, the DEPARTMENT OF PROFESSIONAL REGULATION of the State of Illinois, by Michael V. Favia, its Chief of Medical Prosecutions, prays that the Chiropractic Physician license of James D. Hogg, D.C. be suspended, revoked, or otherwise disciplined.

DEPARTMENT OF PROFESSIONAL REGULATION
of the State of Illinois

BY: _____


MICHAEL V. FAVIA
CHIEF OF MEDICAL PROSECUTIONS

John M. Goldberg
Attorney for the Department
of Professional Regulation
of the State of Illinois
100 West Randolph Street
Suite 9-300
Chicago, Illinois 60601
312/814-4564

MVF:JMG:vat

BEFORE THE IOWA BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF:

JAMES D. W. HOGG,

RESPONDENT.

NO. 96-17

STIPULATION AND INFORMAL
SETTLEMENT AGREEMENT

The Iowa Board of Chiropractic Examiners (Board) and James D. W. Hogg, D.C., (Respondent) enter into the following Stipulation and Informal Settlement Agreement pursuant to Iowa Code sections 17A.10 and 272C.3(4) (1995):

1. Respondent is licensed to practice chiropractic in the state of Iowa and holds license number 04916.
2. Respondent's current address, as reported to the Board, is 430 West 35th Street, Davenport, Iowa, 52806.
3. The Board has jurisdiction of the parties and the subject matter.
4. A Notice of Hearing/Statement of Charges in this case was filed on October 7, 1996.
5. Execution of this Stipulation and Informal Settlement Agreement constitutes resolution of this disputed claim. By executing this Stipulation and Informal Settlement Agreement, the Respondent expressly waives the right to any such hearing on the charges contained in the Statement of Charges.
6. Respondent is freely and voluntarily entering into this agreement, and he agrees that the State's counsel may present this agreement to the Board.
7. This Stipulation and Informal Settlement Agreement is subject to approval of the Board. If the Board approves this

Ex B

agreement, it becomes the final disposition of the matter and the terms of this agreement shall become effective on the date signed by the Board Chair. If the Board fails to approve this agreement, it shall be of no force or effect to either party.

8. This agreement shall be part of the permanent record of the Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of future violations.

9. This Stipulation and Informal Settlement Agreement and the Statement of Charges are public documents available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (1995).

10. If this agreement is approved by the Board, the parties understand that the restrictions placed upon the Respondent through the sanctions imposed herein shall no longer apply after the period of probation has been completed and that thereafter, the Respondent's conduct shall be governed by the applicable law and regulations.

11. For purposes of reaching settlement in this case, Respondent admits that he was the subject of licensee discipline in the State of Illinois but said admission is not admission of wrongdoing.

IN THE INTEREST OF A PROMPT AND JUST SETTLEMENT IN THIS MATTER IN A MANNER CONSISTENT WITH THE PUBLIC INTEREST, IT IS THEREFORE ORDERED:

The Iowa Board of Chiropractic Examiners license number 04916 is suspended for the period of June 19, 1996, through June 19, 1997. It is the further order of the Board that the suspension shall be stayed so long as the Respondent complies with the additional terms imposed by this agreement, as set out below. It is further ordered that commencing June 20, 1997, the license issued to Respondent shall be on probation for a period of three (3) years. In addition, the Respondent must comply with the following terms:

1. All pediatric patients treated by the Respondent shall have measurements taken for length, weight, and head circumference, with all results charted:

- a. on admission;
- b. every month (if they are seen that often) to age six months;
- c. every three months (if they are seen that often) to age two years;
- d. every six months thereafter for those children under care
- e. head circumference measurement will be discontinued at age six for those children who have normal measurements;
- f. weight for all pediatric patients shall be taken on pediatric beam balance scale;

2. All children treated by the Respondent who have one or more of the above measurements at or below the fifth percentile for growth shall be referred to a trained pediatric specialist for evaluation.

3. All children treated by the Respondent who fail to regain birth weight in three weeks following the date of birth; who continue to lose weight after ten days of birth; who fail to double birth weight in six months following the date of birth; or who triple birth weight in one year from the date of birth shall be referred to either a medical pediatrician or chiropractic pediatric diplomate for evaluation.

4. All children with organic complaints that fail to improve with conservative care in three visits, or three months, whichever comes first, shall be referred to a medical pediatrician or chiropractic pediatric specialist for evaluation.

5. All cases of suspected pathology, acute or severe organic complaints shall be referred immediately for medical pediatric evaluation.

6. In all cases where the Respondent is unsure of the nature or the severity of the child's condition the Respondent shall be required to consult with another chiropractic physician. Such consultation shall be with, whenever possible, a chiropractic physician who is a chiropractic pediatric diplomate. If, after consultation, doubt remains regarding the child's condition, a medical referral shall be made.

7. When the child's complaints are unresolved following the appropriate medical referral, the Respondent, after consulting with the medical pediatrician to whom the child was referred, shall run blood, urine, stool analysis or order x-rays,

as might be appropriate, to determine pathology and shall send copies of the results to the medical pediatrician.

8. When the desired results are not obtained from the combination of medical and chiropractic care, the Respondent shall secure other appropriate referrals and make other appropriate suggestions to urge his patients to secure another medical opinion.

9. The Respondent shall be required to submit periodic reports to the Board, or its designee, detailing the care provided and referrals made in all of the cases described in 1 through 8 above and further detailing the care provided to all patients under the age of 18, including the names of any other physicians or other medical practitioners with whom the Respondent has consulted concerning the treatment of those patients. These periodic reports shall be monthly for the period February 1997 through June 1998 and shall be quarterly thereafter until the expiration of the period of probation. The periodic reports shall be due by the tenth of the month following the month or quarter which the subject of the report.

10. The Respondent shall be required to receive mandatory reporter training on the child abuse and neglect reporting requirements imposed by Iowa law and shall continue to update his child abuse and neglect recognition skills. Cases involving danger factors such as teen or unwed pregnancies, unplanned children, poor provider health or finances, or unstable or highly stressed caregivers shall be carefully monitored by the

Respondent with reports to the Iowa Department of Human Services as required.

11. The Respondent shall be required to complete all of the continuing education requirements imposed upon him by the state of Illinois licensing authority pursuant to the disciplinary order issued by that entity and the Respondent shall be required to complete the ordered continuing education under the terms and conditions imposed by that entity. The Respondent agrees that he shall be required to submit to the Board proof of successful completion of all of the continuing education imposed under the Illinois order.

12. At all times during time period covered by this agreement, the Respondent shall maintain and have readily available for submission to or review by the Board, copies of patient records, for all patients treated in Iowa who are under the age of 18, which lists the first name of the patient, the subjective complaints of the patient, objective findings based upon examination of the patient, the differential diagnosis, the treatment plan for the patient and any results noted.

13. The Respondent's provision of care to minor patients will be reviewed by another chiropractic physician as in accordance with Iowa Code Chapter 272C. The review shall occur in accordance with the terms and conditions described in

Attachment A which is incorporated within and made a part of the terms of this settlement agreement.

14. The Respondent's compliance with the terms of this agreement shall be reviewed by the Board.

15. Any violation of the terms of this agreement during the period of time that the suspension has been stayed shall result in an immediate order of summary suspension pursuant to Iowa Code section 17A.18 (3).

16. Any violation with the terms of this agreement during the period of probation, is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code section 272C.3(2)(a).

17. Upon full compliance with the terms and conditions of this Stipulation and Informal Settlement Agreement and upon the expiration of the period of probation, the Respondent's license shall be restored to its full privileges free and clear from the terms of probation.

18. This Stipulation and Informal Settlement Agreement shall not be binding as to any new complaints received by the Board.

AGREED AND ACCEPTED:

RESPONDENT James D.W. Hogg, D.C.
JAMES D. W. HOGG, D.C.

Dated this 28 day of February, 1997.

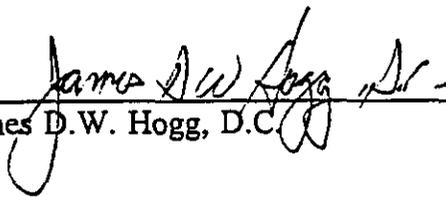
IOWA BOARD OF CHIROPRACTIC EXAMINERS Mark Kruse, D.C.
MARK KRUSE, D.C., CHAIR

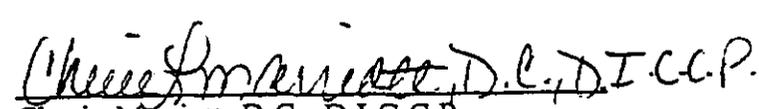
Dated this 5 day of March, 1997.

ATTACHMENT A

Patient Care Reviewing Agreement for Dr. James D.W. Hogg's Probation

- I. Cherie Marriott, D.C., D.I.C.C.P. has agreed to review Dr. Hogg's care of minor patients during his period of probation.
 - A. Dr. Marriott is a Diplomate of the International Council of Chiropractic Pediatrics.
 - B. Dr. Marriott agrees to provide peer review pursuant to Section 272c.3 (1)H and 272c.3 (1)I of the 1995 Code of Iowa.
 - C. Dr. Marriott, for the purposes of this agreement, shall be considered an agent of the Iowa Chiropractic Board, and shall be granted immunity pursuant to Chapter 272c.8 of the 1995 Code of Iowa.
- II. Dr. Marriott will review care of minor patients in the following ways:
 - A. At the beginning of each month Dr. Marriott will review with Dr. Hogg the records of all patients under the age of 18 seen during the previous month.
 1. A list of patients under the age of 18 seen in the last month will be generated by Dr. Hogg's Medisoft computer program to assure that no files are missed.
 2. Dr. Marriott will write a short summary relating to Dr. Hogg's care of minor patients and compliance with terms of his probation to be sent to the Iowa Board of Chiropractic Examiners on a quarterly basis.
 - a. This report will contain a list of patients under the age of eighteen who have been seen during the previous quarter designated by first name and first initial of their last name.
 - b. This report will specify any problems encountered in care of these patients, action taken, and outcome of problem solving.
 3. Monthly record reviews will also be used as an additional opportunity for reviewing with Dr. Marriott in her specialty of pediatrics.
 - B. She will visit Dr. Hogg's office at least once a month to observe patient care and protocol.
 1. More frequent observations may be made at Dr. Marriott's discretion.
- III. All compensation for Dr. Marriott's time as well as any other expenses associated with her reviewing and reporting to the Iowa Board of Chiropractic Examiners will be provided by Dr. Hogg.
- IV. Any amendment to this patient reviewing agreement including, but not limited to, the substitution of a new reviewing chiropractic physician shall require the advanced written approval of the Iowa Chiropractic Board or its designee.


James D.W. Hogg, D.C.


Cherie Marriott, D.C., D.I.C.C.P.

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST :	:	
	:	STIPULATION
JAMES D. HOGG, D.C.	:	96 CHI 083
RESPONDENT	:	

It is hereby stipulated between James D. Hogg, D.C. personally on his own behalf and by his attorney, William S. Vanderpool; 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. Hogg's licensure by the Division of Enforcement (96 CHI 083). Dr. Hogg consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Dr. Hogg 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, the Wisconsin Administrative Code, and the Americans with Disabilities Act of 1990.

3. Dr. Hogg is aware of his right to seek legal representation and has obtained legal advice prior to signing this stipulation.

4. Dr. Hogg 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.

6. Attached to this Stipulation is the current licensure card of James D. Hogg. If the Board accepts the Stipulation, Dr. Hogg's license shall be reissued only in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of Dr. Hogg shall be returned to him with a notice of the Board's decision not to accept the Stipulation.

7. 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.

8. 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 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.

9. The Division of Enforcement joins Dr. Hogg in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

James D. Hogg, D.C.
James D. Hogg, D.C.

11-10-97
Date

W. S. Vanderpool
William S. Vanderpool, Attorney
for Dr. Hogg

11/5/97
Date

Steven M. Gloe
Steven M. Gloe, Attorney
Division of Enforcement

11.17.97
Date

NOTICE OF RIGHTS OF APPEAL

TO: WILLIAM S VANDERPOOL ATTY

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 1/6/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN CHIROPRACTIC EXAMINING BOARD
1400 East Washington Avenue
P.O. Box 8935
Madison WI 53708-8935

NOTICE OF RIGHTS OF APPEAL

TO: JAMES D HOGG DC

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 1/5/98 Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

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STATE OF WISCONSIN CHIROPRACTIC EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935