

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

In the Matter of Disciplinary :

Proceedings Against : LS 9705221 CHI

Richard J. Ranicke D.C., :

Respondent. :

ORDER GRANTING RESPONDENT'S PETITION OF DECEMBER 1, 1998

On May 22, 1997, the Chiropractic Examining Board (Board) entered a *Final Decision and Order* (Decision) in the above-captioned matter. Among other things, the Decision concluded that respondent Richard J. Ranicke (respondent) was subject to discipline under sec. 446.03 (3), Stats., for having been convicted of a felony substantially related to the practice of chiropractic, and, under sec. Chi 6.02 (26), Wis. Adm. Code for having engaged in unprofessional conduct.

In its Decision the Board suspended respondent's license for two years and required, among other things, that respondent participate in psychotherapy, that reports be filed on respondent's progress in psychotherapy, and that respondent participate successfully in a specified educational program. The Decision provided that respondent may petition the Board for a stay of the remainder of his suspension at the end of the first year of suspension.

The Board issued an *Order Amending Final Decision and Order* on July 29, 1997 (Amended Decision) and modified paragraph II. A. 4. of the Order in the Decision with respect to the psychological reevaluation of respondent.

On June 15, 1998 respondent petitioned the Board for a stay of the remainder of his suspension because, among other reasons, respondent had complied with the terms of the Order in the Decision, respondent's psychologist indicated that respondent is psychologically able to safely practice within the parameters of a specified re-entry plan, respondent has demonstrated remorse for his actions leading to his felony conviction and has demonstrated commitment to his rehabilitation.

The Board denied the June 15, 1998 petition in an order of July 23, 1998. The reasons for denial were that the conditions governing respondent's practice following reinstatement did not include safeguards adequate to protect patients and co-workers who might be in the office after regular work hours and because of the status of respondent's progress in therapy at the time of the petition. The Board suggested that respondent refile a petition in six months with an updated report from his psychologist and propose procedures that would protect patients and co-workers who may have contact with him in the office after work hours.

Respondent, by his attorneys Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C. by attorney Mary H. Michal, filed a petition on December 1, 1998 requesting a stay of the suspension ordered on May 22, 1997. Respondent supported his petition with letters of November 6, 1998 and November 30, 1998 from his psychologist and with the information submitted in support of respondent's June 15, 1998 petition.

Respondent's psychologist states in his letter of November 6, 1998, that respondent has finished his work regarding patient boundary issues and transference concerns and that respondent ". . . should be able to successfully return to practice at this time under the conditions noted in my previous reports and contained elsewhere in the Department of Regulation and Licensing documents."

Respondent appeared with his attorney at the meeting of the Chiropractic Examining Board on December 17, 1998 and answered questions. The Department of Regulation, Division of Enforcement, by attorney Steve Gloe, appeared at the meeting. Mr. Gloe indicated that respondent's attorney had consulted him in developing the conditions and limitations relating to respondent's return to practice.

On the basis of the Decision, the Amended Decision, the information presented by respondent in support of the June 15, 1998 and December 1, 1998 petitions, especially the reports of respondent's psychologist, the Chiropractic Examining Board issues the following order staying the suspension of respondents license to practice chiropractic, subject to certain conditions and imitations.

ORDER

A. The order suspending respondent's license to practice chiropractic for a period of two years commencing on June 22, 1997, issued by the Board in its Decision in the above-captioned matter on May 22, 1997, is hereby STAYED subject to the conditions and limitations stated below.

B. Respondent shall continue with psychotherapy under the terms set out in Part III, paragraphs 2, 3, 5 and 6 of the Decision, and Part III, paragraphs 4. in the Amended Decision.

C. Respondent shall comply with the *Proposed Conditions for practice under a stay of Respondent's*

*Suspension Par. IV, 5/22/97 Order* included in respondent's June 15, 1998 petition, and which, as modified by the Board following respondent's December 1, 1998 petition, are:

**1. Continued psychotherapy and quarterly reporting:** respondent shall continue in a program of psychotherapy acceptable to the Board.

a. Treatment shall address, among other things:

i. Transference issues;

ii. Boundary issues; verbalizations, and

iii. Relapse/recurrence prevention.

b. As a part of treatment, respondent shall maintain full compliance with the re-entry to practice plan identified in the petitions of June 15, 1998 and December 1, 1998 established as a part of his treatment program.

i. Compliance shall include assurances to staff that compliance with the terms of re-entry reporting is encouraged and shall not be grounds for discipline or other job action.

ii. The re-entry plan shall include training for employees regarding their duties.

**2. Supervising chiropractor:** 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 on site at least one hour per week and conduct unannounced visits.

a. Supervision shall include:

i. Verification that no female employees under the age of 21 are employed in respondent's practice;

ii. Verification by review of records and unannounced visits that a female employee is physically present in the treatment or consultation room at all times that respondent is treating or consulting with a female patient of any age;

iii. Random chart review;

iv. Random review of billing records;

v. Review of any patient complaints received;

vi. Consultation with respondent; and

vii. Consultation with other professional staff and employees.

b. The supervising chiropractor shall submit quarterly reports to the Department Monitor. Reports shall indicate the extent of the supervision conducted during the quarter, whether respondent is in compliance with the limitations imposed in this order, and, if there have been problems in respondent's practice, a description of the problems.

c. The supervising chiropractor shall report immediately any instance of a violation or noncompliance with this order to the Department Monitor.

### **3. Work setting**

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

b. Respondent shall not treat or consult with a female patient of any age in a treatment or consultation room unless a female employee is present at all the times that respondent is present. This requirement shall apply at all times, including when respondent sees patients after hours, such as in the event of an emergency.

c. In order to address concerns about the safety of staff, respondent shall have at least two employees present on occasions that respondent is present and requires a staff member to be present in the office outside of business hours.

d. All employees and associates must receive the "MEMO TO STAFF" concerning

respondent's practice of chiropractic attached to the respondent's June 15, 1998 petition. Signed documentation of the fulfillment of this condition must be submitted to the Department Monitor. New employees must submit such documentation prior to commencement of employment duties.

e. All charting must show the name of the female assistant present as well as the times that the assistant was present and must be initialed and dated by that individual. The initials should verify that the assistant was present at all times during the patient visit.

f. All female employees who will be physically present in the treatment or consultation room when respondent is treating or consulting with a female patient must obtain boundary training acceptable to the Board prior to fulfilling this function. Documentation of receipt of this training must be filed with the Department Monitor.

g. Respondent shall provide appropriate signage regarding doctor-patient boundaries as well as the required presence of female staff. In addition, respondent shall include this information on the individual fee slips signed by patients. The language for the notice and signage as proposed in the June 15, 1998 petition is approved.

h. Respondent shall consult with a Board approved certified public accountant for the implementation of a system of record keeping, billing and charting which clearly delineates service provider and services provided, as well as charges made, parties billed, and sources of payment. The approved certified public accountant shall file at least one report from the respondent's accountant on his/her review of the implementation and application of the system. This report shall be submitted in conjunction with the second quarterly report of the supervising professional.

i. Respondent shall comply with the procedures specified by his psychologist for complying with the terms of this order, including the restrictions and reporting devices identified in the three-page, June 15, 1998 letter to the Board from Dr. Charles M. Lodl.

#### **4. Probation.**

a. Respondent shall maintain compliance with all terms of his probation.

b. Respondent shall execute releases necessary for the Department to obtain access to his probation records.

c. Respondent's probation officer shall notify the Department immediately of any problem regarding respondent's compliance with the terms of his probation.

#### **5. Continuing education.**

a. Respondent shall, by July 1, 1999, complete 40 hours of continuing education hours required for the period ending January 1, 1999 under ch. Chir 5, Wis. Adm. Code.

b. Respondent shall report to the Department Monitor by July 9, 1999 that he has completed complete 40 hours of continuing education hours required for the period ending January 1, 1999.

c. The continuing education hours completed by respondent for the purposes of meeting the requirements of this paragraph 5. shall not be used to meet the continuing education requirements for the period ending January 1, 2001.

D. The Board approves Dr. Peter Heffernan to supervise respondent according to the terms of this order.

E. The Board approves Dr. Charles M. Lodl to provide psychotherapy under the terms of this order.

F. The Board approves the firm of Suby, VonHaden & Associates as the certified public accountant for the implementation of a system of record keeping, billing and charting.

G. This order shall not become effective to stay the suspension of respondent's license and respondent's license shall remain suspended until all of the following documents have been filed with the Department Monitor:

1. An affidavit verifying that respondent did not practice chiropractic during the period of his suspension.

2. A letter from Dr. Peter Heffernan acknowledging that he will act as the supervising

chiropractor and perform the duties and responsibilities identified for the supervising chiropractor in this order.

3. A letter from Suby, VonHaden & Associates or another certified public accountant approved by the Board acknowledging that the firm has been retained to provide the services required under this order in relation to assisting respondent in implementing a system of record keeping, billing and charting consistent with the conditions set forth in paragraph C.3.h., above.

4. A copy of a letter that respondent has sent to respondent's probation officer requesting that he or she notify the Department immediately of any problem regarding respondent's compliance with the terms of his probation.

5. A list of all employees in any office where respondent practices and a statement signed by each employee that he or she has received the "MEMO TO STAFF" concerning respondent's practice of chiropractic described in paragraph C.3.d., above

6. A list of all female employees who will be physically present in the treatment or consultation room when respondent is treating or consulting with a female patient and a statement signed by each of these employees stating that she has received boundary training that complies with the requirements in paragraph 3.f., above.

H. The conditions and limitations included in this order shall remain in effect until at least December 22, 2000. On or after December 22, 2000, respondent may petition the Board to modify the conditions or limitations by providing the Board with a report from the supervising chiropractor stating that respondent has fully complied with these limitations and conditions and 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 the conditions or limitations proposed to be removed are no longer necessary to assure the safety of patients and the public.

I. 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 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.

Dated this 28th day of December \_\_\_\_\_, 1998.

	Wisconsin Chiropractic Examining Board By James L. Greenwald  Secretary, Chiropractic Examining Board
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