

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 :

LEIF C. HELLING, D.C.
RESPONDENT. :

Case No. LS9807235CHI

FINAL DECISION AND ORDER

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

Leif C. Helling, D.C.
10240 Queen A.S.
Bloomington, MN 55431

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. Leif C. Helling, D.C., Respondent, date of birth August 20, 1958, is licensed by the Wisconsin Chiropractic Examining Board to practice chiropractic in the state of Wisconsin, pursuant to license number 3301, which was first granted December 14, 1995.
2. Respondent's last address reported to the Department of Regulation and Licensing is 3011 S. Main Street, Rice Lake, WI 54868, but the Division of Enforcement has determined that Respondent is residing at 10240 Queen A.S., Bloomington, MN 55431.

3. Respondent was employed as a chiropractor at the Rice Lake Branch Clinic of Allied Health of Wisconsin, S.C. (Clinic) from January 2, 1996 until December 31, 1997.

4. On May 12, 1997, Ms. A, who was then 29 years of age, went to the Clinic complaining of low back pain resulting from a work related injury. Respondent examined and treated Ms. A. Respondent established a treatment plan that Ms. A would receive treatment two times per week for six weeks.

5. Respondent provided evaluation or treatment of Ms. A's work related injury on the following dates in 1997:

May: 16, 27, and 29.

June: 2, 4, 6, 11, 13, 16, 18, 20, and 23.

July: 1, 2, 7, 21, 23, 25 and 31.

August: 5, 8, 12, and 20.

September 3, and 17.

6. Ms. A considered Respondent to be her chiropractor until November of 1997.

7. While Ms. A was Respondent's patient, Respondent asked Ms. A out to dinner and they began dating.

8. In September of 1997 Ms. A moved into Respondent's home, where they resided together until Ms. A moved near the end of November, 1997.

9. While Ms. A was Respondent's patient, and prior to the time she resided in Respondent's home, they began a sexual relationship which included sexual intercourse. That sexual relationship continued until Ms. A moved from Respondent's home.

10. The sexual relationship between Ms. A and Respondent resulted in Ms. A becoming pregnant. Ms. A gave birth to their child in May of 1998.

11. On August 22, 1997, Ms. B, who was then 22 years old, went to the Clinic complaining of injuries she had sustained in an automobile accident. Respondent evaluated and treated Ms. B.

12. Clinic records made by Respondent indicate that Respondent provided evaluation or treatment of Ms. B's injury on the following dates in 1997:

August: 22 and 29.

September: 3, and 16.

October 17, 20 and 31.

13. On October 13, 1997, Respondent advised Ms. B to return PRN (as needed) for continued care of the injury.

14. Ms. B considered Respondent to be her chiropractor until he left the Clinic on December 31, 1997.

15. While Ms. B was being treated by Respondent, they flirted during appointments and Respondent asked Ms. A out to dinner.

16. Respondent and Ms. B began dating. They first engaged in sexual intercourse no later than the first week of December, 1997. Ms. B ended their personal/sexual relationship around February 14, 1998.

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, by engaging in sexual contact with Patient A while she was his patient, has committed unprofessional conduct as defined by Wis. Admin. Code § CHIR 6.02(7) and is subject to discipline pursuant to § 446.03(5), Stats.

4. Respondent, by engaging in sexual contact with Patient B while she was his patient, has committed unprofessional conduct as defined by Wis. Admin. Code § CHIR 6.02(7) and is subject to discipline pursuant to § 446.03(5), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the license of Leif C. Helling, D.C., to practice chiropractic in the state of Wisconsin is hereby SUSPENDED for a period of at least two years, effective immediately.

2. That Respondent may petition the Chiropractic Examining Board for the termination of the suspension, after two years, under the following terms and conditions:

a. Respondent shall, at his own expense, have undergone an assessment by a mental health care provider experienced in assessing health care providers who have become involved sexually with patients.

b. The practitioner performing the assessment must have been approved by the Board, with an opportunity for the Division of Enforcement to make its recommendation, prior to the evaluation being performed.

c. Respondent must provide proof sufficient to the Board that Respondent can practice with reasonable skill and safety of patients and public.

d. If the Board determines to end the suspension, Respondent's license shall be limited in a manner to address any recommendations resulting from the assessment, including, but not limited to:

i. Psychotherapy, at Respondent's expense, by a therapist approved by the Board, to address specific treatment goals, with periodic reports to the Board by the therapist.

ii. Additional professional education in any identified areas of deficiency.

iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board, with periodic reports to the Board by the supervisor.

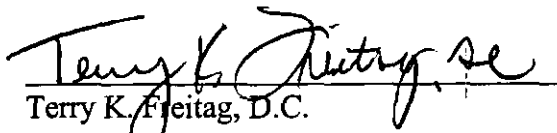
e. Respondent shall appear before the Board on an annual basis, if requested by the Board, to review the progress of any treatment and rehabilitation.

3. If Respondent believes that the Board's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Board under paragraph 2 is inappropriate, Respondent may seek a class 1 hearing pursuant to sec. 227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The suspension or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

4. Violation of any term or condition of this Order, or of any limitation imposed under paragraph 2 above, may constitute grounds for revocation of Respondent's license as a chiropractor in Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, or any limitation imposed under paragraph 2 above, 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 this 23rd day of July, 1998.


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

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

LEIF C. HELLING, D.C. :
RESPONDENT. :

Case No. **LS9807235 CHI**

STIPULATION

It is hereby stipulated and agreed, by and between Leif C. Helling, D.C., 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 98 CHI 003).
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.
4. Respondent admits the allegations in this matter, 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.
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, 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.

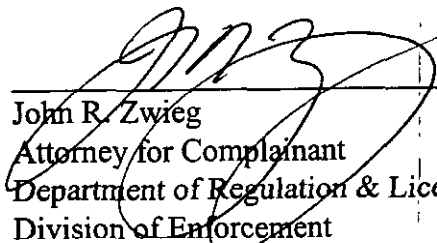
8. The parties agree to waive all costs of the investigation and this proceeding.

Dated this 10 day of July, 1998.



Leif C. Helling, D.C.
Respondent

Dated this 25th day of June, 1998.



John R. Zwiag
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

Leif C. Helling, 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 July 24, 1998, I served the Final Decision and Order dated July 23, 1998, LS9807235CHI, upon the Respondent Leif C. Helling, 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 Z 233 819 628.
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:


Leif C. Helling, D.C.
10240 Queen A.S.
Bloomington MN 55431



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 24th day of July, 1998.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: LEIF C HELLING 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 7/24/98 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