

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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State of Wisconsin  
Before the Chiropractic Examining Board

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In the Matter of Disciplinary Proceedings Against

Michael S. Rusak, D.C.  
Respondent

LS0212193CHI

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Final Decision and Order

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

Michael S. Rusak, D.C.  
322 Cameron Ave.  
La Crosse, WI 54601

Wisconsin Chiropractic Examining Board  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison WI 53708

Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison WI 53708

The parties having agreed to the attached stipulation, the Chiropractic Examining Board makes the following:

## FINDINGS OF FACT

1. Michael S. Rusak, D.C., 322 Cameron Ave., La Crosse, Wisconsin 54601, was born on September 29, 1957 and has been licensed to practice chiropractic in the State of Wisconsin pursuant to license #1979, first granted on December 1, 1984.

2. On May 10, 2001, the Chiropractic Examining Board issued a Board Order that required Respondent to participate in and successfully complete a total of 36 hours of continuing education. Respondent was to obtain pre-approval from the Board for each course he intended to take to meet the requirement of the Order. Respondent was to have completed all continuing education by May 10, 2002.

3. Respondent had not sent any proof of his successful completion of the 36 hours of continuing education by the May 10, 2002 deadline.

4. On May 16, 2002 the Department Monitor sent Respondent a letter requesting that he submit proof of his successful completion of the 36 hours of continuing education.

5. On May 23, 2002 Respondent sent the Chiropractic Examining Board a letter stating that he had not completed the required 36 hours of continuing education, that he was requesting an extension of the deadline for completing the continuing education, and that he was submitting continuing education courses totaling 12 hours that he had already completed to the Board for approval.

6. On June 20, 2002 the Board denied Respondent an extension of the deadline to complete the continuing education.

7. On August 22, 2002 the Board denied approval any of the continuing educational courses that the Respondent had submitted for approval.

## CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 446.03.

2. The Wisconsin Chiropractic Examining Board has the authority to resolve this disciplinary proceeding by Stipulation without an evidentiary hearing pursuant to Wis. Stats. sec. 227.44(5).

3. Dr. Rusak's failure to complete the required 36 hours of continuing education by the deadline imposed in the May 10, 2001 Board Order constitutes a violation of Wis. Stats. sec. 446.03(5) and Wis. Admin. Code sec. Chir 6.02(25).

## ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that the license of Michael R. Rusak, D.C. is SUSPENDED for a period of one month, commencing January 1, 2003, and ending January 31, 2003.

IT IS FURTHER ORDERED that Michael R. Rusak, D.C., shall:

a. Dr. Rusak shall, within six months from the date of this order, participate and satisfactorily complete a 12 hour course on chiropractic risk

management substantially equivalent to that offered by NCMIC.

b. Dr. Rusak shall, within six months from the date of this order, participate and satisfactorily complete one 12 hour course in physical diagnosis and one 12 hour course in physical examination.

c. Dr. Rusak will be responsible for locating courses satisfactory to the Wisconsin Chiropractic Examining Board or its designee and for obtaining the required pre-approval of the courses from the Wisconsin Chiropractic Examining Board prior to taking the courses.

d. The Board accepts the previously approved continuing education credits Dr. Rusak obtained in the expectation that the Board would approve the stipulation and final decision and order recommended to the Board on October 17, 2002, towards compliance with this Order.

e. Dr. Rusak may not use the training required by this order to satisfy the requirements of Wis. Adm. Code sec. Chir 5.01.

f. Respondent shall be solely responsible for any cost of compliance with the terms of this Order.

IT IS FURTHER ORDERED that, within 60 days after the courses are concluded, Michael R. Rusak, D.C. will file with the Wisconsin Chiropractic Examining Board certifications from the sponsoring organization of his attendance at the required courses and his personal written affidavit that he has attended each course in its entirety.

IT IS FURTHER ORDERED that certifications, affidavits, reports or other documents required to be filed with the Wisconsin Chiropractic Examining Board be filed with:

Department Monitor

Department of Regulation and Licensing

Division of Enforcement

P.O. Box 8935

1400 E. Washington Ave.

Madison, WI 53708

All certifications, affidavits, reports or other documents required to be filed with the Wisconsin Chiropractic Examining Board will be deemed filed with the Chiropractic Examining Board upon receipt by the Department Monitor.

IT IS FURTHER ORDERED that Michael R. Rusak, D.C., will appear before the Wisconsin Chiropractic Examining Board, if an appearance is requested by the Board, at the conclusion of the education program to establish that he has complied with all of the terms of this Final Decision and Order.

IT IS FURTHER ORDERED that within thirty (30) days from the date of this Order, Respondent shall pay the COSTS of this proceeding in the

amount of \$175.00 dollars.

IT IS FURTHER ORDERED that, should Dr. Rusak fail to comply with the conditions of this order, his license shall be suspended until further order of the Board.

The rights of a party aggrieved by this Final Decision And Order to petition the Wisconsin Chiropractic Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 19<sup>th</sup> day of December, 2002.

STATE OF WISCONSIN

CHIROPRACTIC EXAMINING BOARD

Dale Strama

A Member of the Board