

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## **Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions**

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### **Please read this agreement prior to viewing the Decision:**

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

FILE COPY

STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	FINAL DECISION
PROCEEDINGS AGAINST	:	AND ORDER
	:	87 CHI 026, 88 CHI 033,
RANDALL J. HAMMETT, D.C.,	:	89 CHI 018, 89 CHI 101,
RESPONDENT.	:	90 CHI 023.

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

Randall J. Hammett, D.C.  
6500 67th Street  
Kenosha, Wisconsin 53142

Wisconsin Chiropractic Examining Board  
P.O. Box 8935  
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, Wisconsin 53708-8935

The Board has received a Stipulation submitted by the parties in the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by the Respondent, Randall J. Hammett, D.C., Kevin F. Milliken, attorney for Respondent, and Judith Mills Ohm, attorney for the Department of Regulation and Licensing, Division of Enforcement. The Board has reviewed the Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Randall J. Hammett, D.C., Respondent herein, 6500 67th Street, Kenosha, Wisconsin, is a chiropractor duly licensed and currently registered to practice chiropractic in the State of Wisconsin, pursuant to license #01546, which was granted on February 7, 1980.
2. Patient 1, a 46-year old female, first presented to Respondent's office on or about March 13, 1987. Patient 1's primary complaint was lower back pain, which she stated began four days ago. Patient 1 was examined on March 13, 1987.
3. On or about March 13, 1987, the following x-rays of Patient 1 were taken: cervical lateral; cervical open mouth; lumbosacral AP and lateral; and AP and lateral thoracic. Respondent interpreted the x-rays to demonstrate

osteophytic changes in the cervical and dorsolumbar spine and vertebral artery calcification.

4. On or about January 5, 1988, Patient 3, a 60 year old female, was walking down her front steps at home when she slipped and fell on some ice, hitting her head on the steps. Patient 3 felt immediate pain in her head, neck and tail bone, but was able to roll onto her side, get up and get back inside.

5. On or about April 5, 1988, Patient 3 presented at Respondent's office. Patient 3 reported that she still had neck pain from the accident on January 5. Patient 3's secondary complaints included loss of strength in both hands and numbness in the left hand, especially the palm.

6. Patient 3 was examined and had x-rays taken of her on April 5, 1988. Respondent interpreted the x-rays to show vertebral artery calcification, among other things.

7. On or about October 7, 1988, Patient 4, a 27 year old male, was injured at work. Patient 4 was lifting a 94-pound bag of cement into a truck when he felt something pop in his lower back and both of his legs went numb. Patient 4 continued working for a couple of hours but then was unable to continue.

8. On or about October 10, 1988, Patient 4 presented at Respondent's office for treatment of the injury he sustained on October 7, 1988.

9. Patient 4's history was taken, Patient 4 was examined and x-rays of Patient 4 were taken on October 10, 1988.

10. Respondent or one of his associate chiropractors performed chiropractic adjustments and did intersegmental mobilization for Patient 4 on October 11 (twice), October 12, 13, 14 and 15, 1988.

11. One of Respondent's associate chiropractors re-examined Patient 4 on October 26, 1988. All but three of the examination findings were normal. Patient 4 reported that his low back pain was 100 percent improved. Respondent ordered additional x-rays for Patient 4 on October 26, 1988.

12. Respondent's office record contains an office note for Patient 4 on November 2, 1988, that says "Cons Final". Respondent suggested to Patient 4 on November 2, 1988, that additional chiropractic treatment was necessary, but Patient 4 did not return to Respondent's office after that date.

13. Respondent billed Patient 4 for a patient education class on October 10, 1988, expecting Patient 4 to attend such a class within the next two weeks. Patient 4 states that he did not attend the class. Respondent did not adjust the bill based on whether or not Patient 4 actually attended the class.

14. Respondent billed Patient 4 for a comprehensive examination and also billed Patient 4 for range of motion testing, thermography and consulting with an associate chiropractor on October 10, 1988.

15. The x-rays which Respondent ordered for Patient 4 on October 26, 1988, were not necessary for diagnostic purposes, given Patient 4's subjective and objective findings on that date.

16. Respondent's conduct, as set forth in paragraphs 13 and 14, constituted performing professional services inconsistent with training, education or experience.

17. Respondent's conduct, as set forth in paragraph 15, constituted engaging in excessive evaluation or treatment of a patient.

18. During the time period from 1987 to 1990, Respondent routinely billed a separate charge to patients for measured range of motion testing, thermography, consulting with an associate chiropractor and patient education classes when those services were provided.

19. Respondent has revised his billing procedures since the time of the conduct involved in this disciplinary proceeding. For patients who receive a comprehensive examination, Respondent no longer bills the patient separately for range of motion testing, thermography or consulting with an associate chiropractor. In addition, Respondent no longer bills patients for his patient education class.

20. Respondent is currently taking a post-graduate radiology diplomate program through Life Chiropractic College. Respondent has completed 84 of the 320 course hours and intends to complete the course and to take the examinations necessary to achieve diplomate status in radiology.

21. Respondent has purchased and has watched a 6-tape videotape of a post-graduate course on methods to improve recordkeeping and documentation, which was presented by the Wisconsin Chiropractic Association in April, 1992.

22. Respondent has made efforts to improve his recordkeeping procedures since the time of the conduct involved in this disciplinary proceeding. Respondent agrees to utilize a recordkeeping procedure which reflects the concept of problem-oriented chiropractic records, with emphasis on patient history, subjective complaints, clinical observations, diagnoses and treatment recommendations (SOAP method).

23. A separate investigation of Respondent is pending before the Chiropractic Examining Board, investigative file #92 CHI 051. That investigation primarily involves allegations concerning an associate chiropractor at Respondent's Chiropractic Center.

#### CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining Board has jurisdiction over this matter pursuant to sec. 446.05(1), Wis. Stats.
2. The Wisconsin Chiropractic Examining Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.
3. Respondent's conduct, as set forth in Finding of Fact 16, constituted performing professional services inconsistent with training, education or experience, and is therefore unprofessional conduct under sec. 446.03(5), Wis. Stats., and sec. CHIR 6.02(6), Wis. Adm. Code.
4. Respondent's conduct, as set forth in Finding of Fact 17, constituted engaging in excessive evaluation or treatment of a patient, and is therefore unprofessional conduct under sec. 446.03(5), Wis. Stats., and sec. CHIR 6.02(8), Wis. Adm. Code.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that Randall J. Hammett, D.C., is hereby reprimanded.

IT IS FURTHER ORDERED that Dr. Hammett shall complete the post-graduate radiology program which he is currently taking from Life Chiropractic College, in order to become eligible for diplomate status in radiology. If, for any reason, Dr. Hammett is unable to complete the necessary course hours for the program, he shall immediately notify the Chiropractic Examining Board of the number of hours completed and the reason he is unable to complete the remaining course hours. The Board shall then determine what, if any, additional continuing education in the area of radiology is necessary for Dr. Hammett to complete.

IT IS FURTHER ORDERED that Dr. Hammett shall submit a sample of his revised billing procedure to the Chiropractic Examining Board by no later than 30 days after the date of this Order. The sample shall consist of bills relating to at least ten patients who received a comprehensive examination within the past year, and who were either new patients or existing patients with new complaints. Dr. Hammett shall remove any identifying information regarding the patients, in order to preserve patient confidentiality.

IT IS FURTHER ORDERED that Dr. Hammett shall submit a sample of his revised recordkeeping procedure to the Chiropractic Examining Board by no later than 30 days after the date of this Order. The sample shall consist of the complete records of at least ten patients other than those patients for whom a sample of the billing procedure is provided. Dr. Hammett shall remove any identifying information regarding the patients, in order to preserve patient confidentiality.

IT IS FURTHER ORDERED that Dr. Hammett shall permit no less than three but no more than five random audits of his recordkeeping and billing procedures during the 12-month time period immediately following the effective date of this Order. The audits shall be conducted according to the following terms:

1. The audits shall be conducted by an investigator employed by the Department of Regulation and Licensing. To the extent feasible, the investigator will conduct the audits on days when the staff at Hammett Chiropractic Center is not busy with a full patient load.
2. Dr. Hammett or his staff shall make all of his patient records available to the investigator. The investigator will randomly select no more than ten patient files to be photocopied. The information to be copied from those files will be all clinical records and billing records for services rendered to the patient after November 1, 1992, and patient history and examination notes taken prior to November 1, 1992, if necessary to understand the records and treatment rendered after November 1, 1992. The patient's name, address, telephone number and other identifying information shall be deleted from the copies, in order to preserve patient confidentiality.
3. The audits shall be for the purpose of ensuring that Dr. Hammett's recordkeeping and billing procedures are consistent with training, education and experience.

IT IS FURTHER ORDERED that partial costs of the proceeding, in the amount of \$5,590, shall be assessed against Dr. Hammett pursuant to sec. 440.22(2), Wis. Stats. Dr. Hammett shall pay this amount in full to the Department of Regulation and Licensing by no later than 30 days after the effective date of this Order.

IT IS FURTHER ORDERED that violation of any of the terms of this Final Decision and Order or the Stipulation upon which it is based constitutes an independent basis for disciplinary action against Dr. Hammett and may result in the summary suspension of Dr. Hammett's license to practice chiropractic, pursuant to the authority of Ch. RL 6, Wis. Adm. Code.

IT IS FURTHER ORDERED that Counts I, II, III, IV, V, VI, VII, VIII, XI and XII of the Amended Complaint are dismissed, on the merits, and with prejudice.

IT IS FURTHER ORDERED that investigative file #92 CHI 051, as it relates to Dr. Hammett only, is hereby closed by the Chiropractic Examining Board and no formal disciplinary action shall be commenced against Dr. Hammett as a result of this investigation.

IT IS FURTHER ORDERED that the effective date of this Order is the date on which it is signed.

CHIROPRACTIC EXAMINING BOARD

By: 

A Member of the Board

*Dated this 5th day of  
November, 1992*

JMO:skv  
ATY2-2645(1-6)

STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

---

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	STIPULATION
	:	87 CHI 026, 88 CHI 033
RANDALL J. HAMMETT, D.C.,	:	89 CHI 018, 89 CHI 101
RESPONDENT	:	90 CHI 023

---

It is hereby stipulated between Randall J. Hammett, D.C., personally and by his attorney, Kevin F. Milliken; and Judith Mills Ohm, attorney for the Complainant, Wisconsin Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Randall J. Hammett, D.C., Respondent herein, 6500 67th Street, Kenosha, Wisconsin, date of birth August 14, 1956, is a chiropractor duly licensed and currently registered to practice chiropractic in the State of Wisconsin, pursuant to license #01546, which was granted on February 7, 1980.
2. A Complaint, consisting of 15 counts, was filed against and served upon Respondent on February 10, 1992.
3. An Amended Complaint, consisting of 12 counts, was filed against and served upon the Respondent on October 1, 1992.
4. Respondent has read the Complaint and the Amended Complaint and understands the nature of the allegations against him.
5. Respondent is aware of and understands each of his rights, including the right to a hearing on the allegations against him, at which time the State has the burden of proving the 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 in his own behalf; the right to file objections to any proposed decisions and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for a rehearing; the right to appeal a final decision to the Wisconsin Court System; and all of the rights afforded him under the United States Constitution, the Wisconsin Constitution and the Wisconsin Statutes and Administrative Code.
6. Respondent freely, voluntarily, and knowingly waives each and every one of the rights set forth in paragraph 5 above in consideration of the agreements set forth in this Stipulation and the attached Final Decision and Order.
7. For the purposes of this Stipulation only, Respondent withdraws his Answer to the Complaint and agrees to the entry of the attached Final Decision and Order by the Chiropractic Examining Board.
8. If any portion of this Stipulation or attached Final Decision and Order is not accepted by the Chiropractic Examining Board, then no term of this Stipulation and Final Decision and Order shall be binding in any manner on any party.

9. The parties agree that if the Chiropractic Examining Board rejects this Stipulation and if this disciplinary action proceeds to a hearing, the parties will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and attached Final Decision and Order or of any records relating thereto.

10. The attorneys for the parties and the Board Advisor for the case, Peter W. Vrieze, D.C., may appear before the Chiropractic Examining Board and argue in favor of acceptance of this Stipulation.

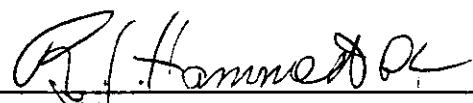
11. The parties agree to waive the Proposed Decision of the Administrative Law Judge and submit this Stipulation directly to the Chiropractic Examining Board.

12. In consideration of Respondent's agreements under paragraph 7, the Chiropractic Examining Board agrees to close pending investigative file #92 CHI 051, as it relates to Respondent only, without commencing any formal disciplinary action. The Chiropractic Examining Board has no other pending investigative files relating to the conduct or actions of Respondent.


13. This agreement in no way prejudices the Chiropractic Examining Board in any further action against the Respondent based upon any acts not alleged in the Complaint or Amended Complaint, which may be violative of the Wisconsin Chiropractic Examining Board statutes and rules.

14. Respondent voluntarily agrees to pay expert witness fees and deposition costs in this case in the amount of \$5,590. Payment shall be made within 30 days to the Department of Regulation and Licensing, P.O. Box 8935, Madison, Wisconsin. The parties agree that all other costs of this proceeding incurred by either party are hereby waived.

Dated this 3rd day of <sup>NOVEMBER</sup>~~October~~, 1992.

  
Randall J. Hammett, D.C.  
Respondent

Dated this 4TH day of <sup>NOVEMBER</sup>~~October~~, 1992.

  
Kevin F. Milliken  
Attorney for Respondent

Dated this 5th day of <sup>November</sup>~~October~~, 1992.

  
Judith Mills Ohm  
Attorney for Complainant

JMO:skv  
ATY2-2646(1-3)



## **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)**

**The following notice is served on you as part of the final decision:**

### **1. Rehearing.**

**Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Chiropractic Examining Board.**

**A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.**

### **2. Judicial Review.**

**Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Chiropractic Examining Board.**

**within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.**

**The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Chiropractic Examining Board.**

**The date of mailing of this decision is November 6, 1992.**