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IN THE MATTER OF DISCIPLINARY :

PROCEEDINGS AGAINST : INTERIM ORDER

:

SCOTT P. RISE, DC, : LS0302273CHI

RESPONDENT :

:

Division of Enforcement Case File No. 02 CHI 001

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

Scott P. Rise, DC
2637 North 95th Street
Wauwatosa, WI 53226

Chiropractic Examining Board
PO Box 8935
Madison WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as an interim decision in 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. Scott P. Rise, DC, (DOB 07/11/1968) is duly licensed as a chiropractor in the state of Wisconsin (license #3135). This license was first granted on 06/30/1994.
2. Respondent's address on file with the Chiropractic Examining Board is: 2637 North 95th Street, Wauwatosa, WI 8625-0861.
3. On or about June 10, 2002, Respondent was convicted on one count of Conspiracy to commit mail and wire fraud (18 USC §§ 371, 1341, 1343 and 2). A true and correct copy of the judgment of conviction is attached to this Order as Exhibit A.
4. Respondent has filed a timely appeal of his conviction and all aspects of the judgment have been stayed, pending resolution of the appeal process.
5. Respondent currently practices chiropractic at two clinics: Chiro-Med Accident, Sports Injury & Rehabilitation Center, Pewaukee, Wisconsin and Silvernail Medical Center. Respondent is a shareholder in Chiro-Med, but he is neither an officer nor a director of that corporation. Respondent has no ownership interest in Silvernail.
6. As an interim resolution of these proceedings, Dr. Rise agrees to the issuance of the following Findings, Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Examining Board has jurisdiction over this matter, pursuant to sec. 442.12, Stats.
2. The Wisconsin Chiropractic Examining Board is authorized to enter into the attached stipulation, pursuant to

secs. 227.44(5) and 442.12, Stats.

3. The conviction referred to above, if upheld, constitutes a basis for disciplinary action against Respondent's license to practice as a Chiropractor in the state of Wisconsin, pursuant to sec. 442.12(2), Stats. and Wisconsin Administrative Code § Chir 1.401(1) and (2)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

A. Reporting requirements.

1. Respondent shall keep the Board apprised of all substantive judicial orders entered relevant to the pending appeal of his criminal conviction and shall provide a copy of any such order to the Department Monitor within five (5) days of its receipt.
2. Respondent shall notify the Department Monitor of any change of employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.
3. Respondent shall arrange for quarterly reports from his chiropractic employer(s) reporting the terms and conditions of his employment and evaluating his work performance. Quarterly reports shall be submitted by a source acceptable to the Board. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing Division of Enforcement in a format acceptable to the Department Monitor.

B. Proceedings following completion of the appellate process.

1. Upon full completion of the post conviction process which results in a reversal or rescission of the Respondent's criminal conviction outlined in this Order, Respondent may petition for dismissal of these proceedings. The Board shall grant a petition under this paragraph upon receipt of certified documentation of dismissal of all of Respondent's criminal conviction referenced in this Order. The Board will not entertain a petition under this paragraph prior to full completion of post-conviction procedures.
2. If Respondent fails to obtain post-conviction relief resulting in a rescission or reversal of the conviction referred to above, the Board may in its discretion adopt the terms and conditions of this Order as its Final Decision and Order in this matter, or it may remand this matter to the Division of Enforcement for scheduling a hearing on the issue of appropriate disposition of this matter.

C. Limitations

Until otherwise ordered by the Board, the license of Scott P. Rise, DC (license #3135) shall be LIMITED as follows:

1. Respondent shall practice only in work settings approved by the Board. To obtain Board approval, Respondent shall submit documentation acceptable to the Board establishing that Respondent does not participate in the daily business operations of his practice (including but not limited to finances, check writing, and/or billing).
2. Within six [6] months from the date of this Order, Respondent shall submit an audit report from a Board approved certified public accountant for any of Respondent's chiropractic work settings where Respondent holds an ownership interest in his employing entity. The audit shall address Respondent's billing practices as well as his role in the operation of the business. The Board may in its discretion require subsequent audit reports. The Board shall not require more than two [2] reports in a twelve-month period.
3. Respondent shall be responsible for all costs incurred in maintaining compliance with this Order.

D. Department Monitor

1. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving reports petitions and coordinating reports and requests for approval work settings and audits. The Department Monitor may be reached as follows:

Department Monitor
c/o Division of Enforcement
PO Box 8935
Madison, WI 53708-8935
TEL (608) 267-3817
FAX (608) 266-2264

E. Petition for Termination of restrictions

1. If the Board in its discretion elects to adopt the terms and conditions of this Order as its Final Decision and Order pursuant to ¶B(2) above, Respondent may upon completion of: two [2] years of complete, successful and continuous compliance with the terms of this Order petition the Board to revise or eliminate any of the above conditions.
2. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

F. Effective Date of Order

1. This Order shall become effective upon the date of its signing.

CHIROPRACTIC EXAMINING BOARD

James Rosemeyer	2-27-03
On behalf of the Board	Date