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State of Wisconsin
Before the Chiropractic Examining Board

In the Matter of the Disciplinary Proceedings Against

Timothy N. Johnson, D.C.,
Respondent.
LS0306191CHI

FINAL DECISION AND ORDER

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

Timothy N. Johnson, D.C.
195 14th Street
Fond du Lac, WI 54935

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 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. Timothy N. Johnson, D.C., 195 14th St., Fond du Lac, WI 54935, was born on September 15, 1954 and has been licensed to practice chiropractic in the State of Wisconsin pursuant to license #1431, first granted on February 9, 1978.

2. On November 18, 2002, DRL received a complaint from a chiropractor that Respondent's patient records were inadequate.
3. On January 29, 2003, a DRL investigator went to Respondent's office and obtained the complete chiropractic records of patient R.G. and the patient records of five additional patients chosen at random.
4. A review of the patient records of all six patients revealed that the Respondent's patient records did not contain any documentation regarding what the patient's complaint was, did not contain a patient history, did not contain physical examination findings, did not contain treatment plans, and did not contain evaluations of the effectiveness of the treatment. In the daily notes section of the patient records there was no documentation regarding the name of the patient, no documentation of the name of the provider, no documentation of the date and year the treatment was provided, and there was no documentation as to what the plan of care was for the patient in the patient record.

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. Johnson's failure to maintain patient records in compliance with Wis. Adm. Code sec. Chir 11.02, 11.03, and 11.04 constitutes a violation of Wis. Stats. sec. 446.03(5).

ORDER

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

IT IS FURTHER ORDERED that Timothy N. Johnson, D.C. is REPRIMANDED.

IT IS FURTHER ORDERED that Dr. Johnson shall, within three months from the date of this order, attend and satisfactorily complete a pre-approved 12 (twelve) hour continuing education risk management and record keeping course that is acceptable to the Board.

- a. A course that is acceptable to the Board would be a course that in the Board's judgment is equivalent to the "Certification in Chiropractic Spinal Trauma: Session 6 – Recordkeeping, Patient Examinations and Documentation" sponsored by the Cleveland Chiropractic College to be held in Las Vegas, Nevada on June 21 – 22, 2003 or a course that is substantially equivalent to the NCMIC risk management and record keeping course.
- b. Dr. Johnson will be responsible for locating a course satisfactory to the Wisconsin Chiropractic Examining Board or its designee and for obtaining the required pre-approval of the course from the Wisconsin Chiropractic Examining Board prior to taking the course.

c. Dr. Johnson shall be solely responsible for any and all costs of this educational program.

IT IS FURTHER ORDERED that Dr. Johnson may not use the training required by this order to satisfy requirements of Wis. Adm. Code sec. Chir 5.01.

IT IS FURTHER ORDERED that, within 60 days after the courses are concluded, Dr. Johnson 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 East 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 within thirty (30) days from the date of this Order, Respondent shall pay partial COSTS of this proceeding in the amount of two hundred-fifty (\$250) dollars.

IT IS FURTHER ORDERED that Dr. Johnson, 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.

Dated at Madison, Wisconsin, this 19th day of June, 2003.

STATE OF WISCONSIN

CHIROPRACTIC EXAMINING BOARD

James Rosemeyer

A Member of the Board