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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
JOHN P. MURPHY, D.C., : LS0310161CHI
RESPONDENT :

Division of Enforcement Cases 01 CHI 046 AND 01 CHI 052

The parties to this action for the purposes of Section 227.53 of the Wisconsin statutes are:

John P. Murphy, D.C.
9749 Kahl Road
Black Earth, WI 53515

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. John P. Murphy, D.C. (Date of Birth: June 15, 1965) is duly licensed as a chiropractor in the state of Wisconsin (license #12-2509). This license was first granted on December 14, 1989.

2. Dr. Murphy's most recent address on file with the Wisconsin Chiropractic Examining Board is 9749 Kahl Road, Black Earth, WI 53515.

3. On January 1, 2001, Dr. Murphy's Wisconsin chiropractic licensure expired, and Dr. Murphy did not renew his licensure until December 4, 2001. Dr. Murphy was on sabbatical

from the practice of chiropractic from July 2001 through January 2002. It appears that during some of the period while he was unlicensed that Dr. Murphy continued to work in Wisconsin as a chiropractor.

4. On January 1, 2003, Dr. Murphy's Wisconsin chiropractic licensure expired. Dr. Murphy submitted a renewal application on or about January 13, 2002.

5. On or about January 14, 2003, the Wisconsin Department of Revenue notified Dr. Murphy that due to a tax delinquency, he could not renew his license. A copy of this notification is attached to this document as Exhibit A.

6. On February 26, 2003, Dr. Murphy was informed by the Department about his failure to renew his license. Upon being informed by the Department, Dr. Murphy ceased practice in Wisconsin as a chiropractor until he renewed his license on March 6, 2003.

7. In resolution of this matter, Dr. Murphy consents to entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct described above, John P. Murphy, D.C. is subject to disciplinary action against his license to practice as a chiropractor in the state of Wisconsin, pursuant to Secs. 446.02(1)(a) and 446.03(5), Stats., and Wis. Admin. Code § CHIR 6.02(25).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that John P. Murphy, D.C. is REPRIMANDED.

IT IS FURTHER ORDERED that the license of John P. Murphy, D.C. (license #12-2509) is LIMITED as follows:

1. Dr. Murphy shall refrain from any practice of chiropractic in the state of Wisconsin unless his biennial registration is current.

2. Within thirty (30) days from the date of this Order, Dr. Murphy shall pay partial costs of this proceeding in the amount of **two hundred fifty (\$250.00) dollars. Payment shall be made via certified check or money order and shall be made payable to the Wisconsin Department of Regulation and Licensing**, and mailed to Department Monitor, Division of Enforcement, P.O. Box 8935, Madison, WI 53708-8935.

3. If Medicare/Medicaid provided coverage and paid for chiropractic services performed by Dr. Murphy during the period of time between January 1, 2001, and December 3, 2001, or between January 1, 2003, and March 5, 2003, Dr. Murphy shall within thirty (30) days from the date of this Order, submit documentation acceptable to the Board certifying that he has notified E.D.S. Federal, 6406 Bridge Road, Madison, WI 53784 of the services for which he was reimbursed when he was not currently licensed.

4. Within ninety (90) days from the date of this Order, Dr. Murphy shall submit documentation to the Board that he has instituted a program of in-house license renewal verification in his current work place. The Board shall be the final authority of the acceptability of any program of license renewal verification. Dr. Murphy shall maintain any accepted program of license renewal verification for a minimum of four (4) years from the date of acceptance of the program by the Board, regardless of the status and nature of his chiropractic employment.

5. At any time following four [4] years of full and complete compliance with the terms of this Order, Dr. Murphy may petition the Board to return to full and unrestricted active license status. 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 Secs. 227.01(3) and 227.42, Stats.

6. In the event that John P. Murphy, D.C., fails to comply with the conditions set forth in paragraphs 1, 2, 3 and 4 above, the chiropractic license of John P. Murphy, D.C. (license #12-2509) SHALL BE SUSPENDED, without further notice or hearing, until such time that he has complied with the terms of this Order.

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

CHIROPRACTIC EXAMINING BOARD

By: James Rosemeyer	10-16-03
A member of the Board	Date