

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
MARGARET MERTENS D.C., : LS0312181CHI
RESPONDENT. :

Division of Enforcement Case Files
97 CHI 027 & 01 CHI 030

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

Margaret Mertens, D.C.
156 S. Central Avenue
Marshfield, WI 54449

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 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. Margaret Mertens (D.O.B. 11/11/61) is duly licensed in the state of Wisconsin as a chiropractor (license # 2195). This license was first granted on November 17, 1986.

2. Respondent's latest address on file with the Department of Regulation and Licensing is 156 South (Avenue, Marshfield, WI 54449.
3. Respondent failed to renew her license which lapsed 12/31/00 until 7/10/01, although she continu engage in chiropractic practice.
4. Respondent renewed her license on July 10, 2001, but the license reverted to expired status on Ju 2001 due to a revenue hold.
5. Respondent failed to address the revenue hold until August 15, 2001, although she continued to e in chiropractic practice.
6. On or about April 27, 2001, DOE Investigator Steven Rohland requested in writing to the Responde attorney, Mr. Kevin Milliken, that the Respondent provide certain records in connection with an investigation into a Medicare billing irregularities.
7. On or about May 10, 2001, Attorney Milliken advised Mr. Rohland that he no longer represented th Respondent.
8. On or about May 15, 2001, Mr. Rohland forwarded the records request to the Respondent's preser attorney. The attorney responded verbally that he would soon send the requested records.
9. On or about June 15, 2001, Mr. Rohland wrote to the attorney noting that the records had not be received and requesting the records again.
10. As of this date, DOE has not received the requested records.
11. On May 21, 2000, Respondent entered into a settlement agreement with the United States Depart of Justice concerning claims by Respondent for payments from the Medicare Program for chiropractic services rend during the periods September 1, 1994 through February 6, 1996, and January 1, 1999, through October 1, 1999. United States contended that some of the services provided by Respondent during the periods were not adequate documented to substantiate the diagnosis, necessity for treatment, or treatment provided. Respondent did not ex admit the contentions but did agree to remit a sum of money to the United States.

CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining Board has jurisdiction to act in this matter pursuant to sec. 446.03(5), Stats., and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Stats.
2. The conduct described in paragraph 11, above, violated sec. Chir 6.02(3) and (25) Wis. Adm. Cod Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.
3. The conduct described in paragraphs 6-10, above, violated sec. Chir. 6.02(19), Wis. Adm. Code.

4. The conduct described in paragraphs 3-5, above, violated sec. 446.02(1)(a), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is accepted.

2. Subject to paragraph 5 below, Margaret Mertens is SUSPENDED from the practice of chiropractic for a period of 21 DAYS. A 10 DAY suspension will commence upon the date this Order is signed. An additional 11 DAY suspension will be held in abeyance pending the Respondent's full and timely compliance with the educational requirements described below.

3. The license of Respondent to practice as a chiropractor in the state of Wisconsin is LIMITED as follows:

a. Respondent shall certify to the Board the successful completion of an approved course of training of not less than 12 hours in chiropractic ethics, within 9 months of the date of this order. Prior to attending any such course, Respondent shall submit to the Board designee an outline of the required training for approval, which shall contain the name of the institution providing the instruction, the name of the instructor, and the course content. Respondent is responsible for ensuring that such course information submissions reach the board in a timely manner such that the board is able to consider the courses for approval in the usual course of business at its regularly scheduled board meetings in sufficient time for the Respondent to complete the courses prior to the expiration of the 9 month deadline discussed above.

b. The training required by this Order may not be used by Respondent to satisfy the requirements of Chir 5.01, Wis. Adm. Code.

c. Respondent shall be responsible for the cost of compliance with the terms of this Order.

4. Respondent shall pay costs in the sum of \$1,020.36 to the Department of Regulation and Licensing within 30 days of the date of this Order.

5. Failure by Respondent to fully and timely comply with the requirements of this Order shall result in the imposition of the 11 day Stayed Suspension, and if compliance is not obtained within that 11 days the Respondent's license to practice will be summarily suspended, without further notice or hearing, until such time as full compliance with the provisions of this Order has been attained.

6. The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

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

WISCONSIN CHIROPRACTIC EXAMINING BOARD

By:	James Rosemeyer	12-18-03
	A Member of the Board	Date