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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGANST	:	
	:	FINAL DECISION
RANDALL HAMMETT, D.C.,	:	AND ORDER
RESPONDENT	:	LS0312303CHI

The parties in this action for the purposes of section 227.50 of the Wisconsin statutes are:

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

Chiropractic Examining Board
PO Box 8935
Madison, WI 53708-8935

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

The parties in this matter agree to the terms and conditions of the attached Stipulation, 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. Randall J. Hammett, D.C. (D.O.B. 08/14/1956), duly licensed in the state of Wisconsin to practice as a chiropractor (license #1546). This license was first granted on February 8, 1980.
2. Respondent’s latest address on file with the Department of Regulation and Licensing is 6500 67th Street, Kenosha, WI 53142.

98 CHI 004

3. Beginning in 1985 and thereafter, patient N.C. was seen by Dr. Hammett, primarily for “wellness care.”
4. On August 11, 1995, N.C. was in an automobile accident in which she sustained injuries (“accident 1”). Dr. Hammett treated her for those injuries.
5. On August 20, 1995, N.C. was in a second automobile accident in which she sustained injuries (“accident 2”). Dr. Hammett treated her for those injuries.
7. In billing for services rendered to N.C. on both August 12, 1995, and August 21, 1995, Dr. Hammett used CPT Code 99204.
8. Code 99204 is a code used for new patients and allows for higher reimbursement than a regular exam code.
9. N.C. was not a new patient on either August 12, 1995 or nine days later on August 21, 1995.

10. Dr. Hammett's records relating to his treatment of N.C. were deficient in the following respects:
- (a) Dr. Hammett attributed treatment preceding accident 1 to "wellness care." Dr. Hammett attributed all treatment between August 11, 1995 and August 20, 1995 to accident 1 despite similarity in symptoms to symptoms prior to accident 1. Dr. Hammett attributed all treatment after August 20, 1995 to accident 2, despite similarity in symptoms to symptoms prior to accident 1.
 - (b) Dr. Hammett drafted an accident report for an attorney in which his description of past history is poor.
 - (c) N.C.'s patient record contain contradictory statements such as the following:
 - 1. Dr. Hammett response "prior carpal tunnel syndrome symptoms have exacerbated completely after the accident and are apparently in control at this particular time, which has created problems at work;
 - 2. Dr. Hammett states that x-rays were found to show slight and minimal improvement in vertebral alignment. Then in the next sentence he states, based on the x-rays, that the patient will continue to have pain and suffering off an on for years to come because of the degenerative changes that will be accelerated by the motor vehicle accident.
 - (d) N.C.'s patient records contain inappropriate or undocumented insurance codes, including:
 - 1. Dr. Hammett used both a 99212 code and a 99213-21 code on October 9, 1995, only one of which was appropriate.
 - 2. On several occasions Dr. Hammett used 99212 code, which is an examination code, when records indicate he should have used a 97260 code, an adjustment code.
 - (e) N.C.'s file includes forms entitled Rehab Chart Notes. One of those forms is undated. One such note is missing entirely.
 - (f) The Rehab Chart Notes include only repetitions and sets and then positive or negative signs afterwards. There is no indication of what exercise was performed, and no indication of how to interpret the positive and negative signs.
 - (g) X-rays are billed on September 27, 1995, but no results are reported.
 - (h) Surface EMG is billed for and documented on four separate dates, but there are no chart notes to suggest how the Surface EMGs impacted the treatment decisions made. There are no discussion of changes between testing dates and findings are not correlated from test to test.
 - (i) The Surface EMG of September 18, 1995 is reported to be performed in order to compare with the results of the August 21, 1995 Surface EMG. However, different muscles were tested.
 - (j) The patient's home exercise and traction program is poorly documented. There is no information as to the instruction for use such as what equipment was to be used, the weight that was to be used if any, if weights were to be used, whether this weight was being progressively increased, what the patient's compliance was, or the recommended frequency.
 - (k) The records include plumb line vs. weight scale reports, but there is no key or any information included that would help determine what the numbers mean. There is nothing indicating what the treatment recommendations or changes occurred as a result of these findings.

11. In or about June, 1997, patient G.W. began seeing Respondent for chiropractic services. According to G.W., Respondent told him that he is a lawyer in addition to being a chiropractor, and that there would be no charge to G.W. for the chiropractic services because the insurance company would pay it all. G.W.'s insurance company did not pay for the chiropractic services and G.W. was determined to be responsible for the bill.
12. G.W. felt that the charges for Respondent's chiropractic services were excessive. He had seen a September 2000 ad indicating that the "normal" cost for a complete chiropractic exam and x-rays was \$134. He was charged \$385.25 for his first visit, in 1997.
13. On or about September 15, 1997, G.W. informed Respondent that he no longer wanted his services. According to G.W., Respondent told him that he would not "release" him without another examination, at a cost of \$342. He also told G.W. that he would be a "hunchback" if he did not continue for at least another 30 days, and showed G.W. a picture of an old man who was bent over.
14. Dr. Hammett disputed the allegations against him in 98 CHI 004 and 01 CHI 013. He recognized that his record keeping and billing practices were, in some respects, deficient, and affirmatively represents that no billing was done with the intent to defraud a patient or third-party payer.
15. Respondent consents to issuance of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Chiropractic Examining Board has jurisdiction to act in this matter, pursuant to sec. 446.03(5), Stats.
2. The Board is authorized pursuant to sec. 227.44(5), Stats. to enter into the attached Stipulation and Order and impose the following terms and conditions.
3. Respondent's conduct described in paragraphs 3 through 10 above fell below the minimum standards of competence established in the profession and constitutes grounds for action within the meaning of section 446.03(5) Wis. Stats. and Wis. Admin. Code section Chir 6.02(1).
4. While they may be a legal basis for action with regard to Case no. 01 CHI 013, that case will be closed without further investigation or hearing based on prosecutorial discretion.

ORDER

1. The stipulation of the parties is approved.
2. Respondent Randall J. Hammett is REPRIMANDED.
3. Respondent Randall J. Hammett's license to practice as a chiropractor in the state of Wisconsin is LIMITED as follows:
 - a) Respondent must complete 12 hours of a pre-approved course of EDUCATION in chiropractic record keeping within nine (9) months of the date of this order. Respondent must submit for approval the name of the instructor and the institution, and a copy of the course syllabus, within six (6) months of the date of this order. The Board may reject the proposed course, in its discretion, if it determines that the course content does not adequately address the Respondent's conduct as described above. Respondent shall not have a right to any further hearings or proceedings relating to the rejection of any proposed course of education.
 - b) The education required under this paragraph may not be used to satisfy the continuing education requirements of Wis. Admin. Code Ch. Chir 5.

- c) Respondent is responsible for all costs associated with this education.
4. Upon completion of the course of education, Respondent shall implement the record keeping procedures taught, and in addition shall comply in all respects with Wis. Admin. Code Ch. 11.
5. For a two (2) year period after the completion of the course of education described above, the Board or its designee will conduct an undisclosed number of unannounced audits of Respondent's records. For each audit, at least ten records shall be randomly selected, copied at Respondent's expense, and reviewed by the Board or its designee for compliance with paragraph 4 of this order.
6. Case no. 01 CHI 013 is closed without further investigation or hearing.
7. Respondent shall pay costs of this proceeding in the amount of \$2,398.97.
8. Failure by Respondent to fully and timely comply with the requirements of this Order will result in respondent's license to practice being summarily suspended, without further notice or hearing, until such time as full compliance with the provisions for this Order has been attained.
9. This Order shall become effective upon the date of its signing.

CHIROPRACTIC EXAMINING BOARD

By:	James Rosemeyer	5-13-04
	A Member of the Board	Date