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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION
 : AND ORDER
JEFFREY MASON, D.C., : LS05022414CHI
RESPONDENT. :

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

Jeffrey Mason, D.C.
105 South Knowles Avenue
New Richmond, WI 54017

Wisconsin Medical 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. Respondent Jeffrey Mason (D.O.B. January 25, 1958) is and was at all relevant times a chiropractor licensed in the State of Wisconsin pursuant to license #2256, first granted on 7/27/1987.
2. Respondent’s last address of file with the Department of Regulation and Licensing is 105 S. Knowles Ave., New Richmond, Wisconsin, 54017.
3. In or about 1996 and 1997, Respondent advertised for his chiropractic practice, claiming a certain percentage rate of effectiveness for his procedure.
4. On or about September 18, 1997, the Chiropractic Examining Board entered an order finding that the Respondent had advertised in a manner which is false, deceptive or misleading. A copy of that order is attached as Exhibit A.
5. The board ordered that the Respondent cease and desist from, among other things, “advertising effectiveness or cure rates for specified conditions, unless the basis for any such claim is approved in advance by the Board.” Advertising is defined by rule and by case law to include communications to a single person, if made in order to induce that person to purchase services.
6. The September 18, 1997 order noted that a violation of the order could result in additional conditions, limitations or additional discipline.
7. In or about March, 1999, Respondent began seeing patient A.A. A.A. was at the time nine years old. A.A. was born with disabilities including optic nerve dysplasia, limited verbal abilities, and difficulty walking.

8. Respondent told A.A.'s parents that he could and would heal A.A. He told them that after his treatments, she would see, walk and talk. He also told them that he could cure cancer and that he can cure "any disease known to man."
9. Respondent initially recommended 12 weeks of treatment for A.A., three times per week.
10. A.A. followed the recommended course of treatment, then continued with treatment several times a month, for over a year.
11. Neither A.A.'s parents, nor her teachers, nor her health care providers noticed any change in her functioning during the time she saw Respondent.
12. In a small claims action to recover fees, Respondent claimed, under oath, that he had cured Allie: "Allie was mute. After 7 months of care Allie was able to talk."
13. On or about April 5, 2001, investigators for the Department of Regulation and Licensing requested that Respondent produce A.A.'s patient records within 10 days of receipt of the letter.
14. Respondent replied on April 10, 2001, stating that A.A.'s patient file was being reviewed by an "independent certified fraud examiner," and that he would provide "a written report with documentation" to the board within 15 days.
15. On April 23, 2001, the Department of Regulation and Licensing received a letter from AR International Anti-Fraud Systems, Inc., stating that it had been retained to investigate this matter and requesting a 30 day extension of time to complete the investigation.
16. Several months later, on August 30, 2001, the Department of Regulation and Licensing received a letter from AR International Anti-Fraud Systems, Inc., which claimed without supporting authority that the Chiropractic Examining Board had no jurisdiction and that A.A.'s mother had committed perjury. The report attached one page from A.A.'s medical record.
17. On or about October 1, 2001, the Division of Enforcement served on Respondent, by mail, a Subpoena Duces Tecum, requiring him to mail certified copies of A.A.'s patient record, postmarked no later than October 18, 2001.
18. On or about October 22, 2001, the Division of Enforcement received a letter from Respondent stating in response to the request for patient records that a certified fraud examiner was reviewing the file and would submit a written report with the documentation to the board.
19. On or about October 30, 2001, the Division of Enforcement received a letter from AR International Fraud Systems, Inc., claiming without supporting authority that the Subpoena Duces Tecum was invalid.
20. On or about October 31, 2001, the Division of Enforcement personally served upon Respondent another Subpoena Duces Tecum, requiring him to appear and provide a certified copy of A.A.'s patient record on November 7, 2001, or to mail certified copies of A.A.'s patient record, postmarked no later than November 1, 2001.
21. On or about November 7, 2001, the Division of Enforcement received a letter dated October 30, 2001, from AR International Anti-Fraud Systems, Inc., declaring without supporting authority that the Subpoena Duces Tecum was invalid.
22. On or about November 8, 2001, the Division of Enforcement received from Respondent what he claimed was "Certified Copies of [A.A.'s] file."
23. The records sent by Respondent were incomplete and inadequate. The records did not include x-rays, a treatment contract signed by A.A.'s parent, or any consent for treatment. The records did not discuss the rationale for treatment, did not identify any patient health risk factors, and entries did not identify the person making the entry.

24. On or about January 24, 2002, the Division of Enforcement requested information from Respondent regarding his continuing education attendance. The information was to be provided by February 8, 2002.

25. On or about February 7, 2002, the Division of Enforcement received a response from AR International Anti-Fraud Systems, Inc. The response claimed that as a “qualified faculty member” of the Kale Chiropractic Program, Respondent was exempt for obtaining continuing education hours for the State of Wisconsin.

26. On or about February 11, 2002, the Division of Enforcement received a letter from Respondent, asking for clarification regarding the meaning of Chir 5.01(3). He also asked how the request had originated, and questioned how the information was important or relevant.

27. On or about February 12, 2002, the Division of Enforcement responded, enclosing a copy of Chir 5.01(3).

28. On or about February 13, 2002, the Division of Enforcement received a letter from AR International Anti-Fraud Systems, Inc., which questioned the authority of the investigator and asked for “the interpretation of Chir 5.01(3).”

29. On or about February 25, 2002, the Division of Enforcement received from Respondent a letter stating that he planned to file a federal action based on violations of his “Constitutional/Civil rights” as well as “Restraint of Trade.” He concluded the letter with “Any other requests from you or your department are considered moot.”

30. On or about July 30, 2004, the Division of Enforcement served another Subpoena Duces Tecum on Respondent, asking again for A.A.’s complete patient record, as well as Respondent’s continuing education and insurance documentation.

31. On or about August 20, 2004, Respondent appeared personally and by his attorney, and produced the requested documents.

32. Review of information provided indicates that Respondent is in compliance with his continuing education and insurance requirements.

33. Allie’s patient records remain incomplete and inadequate. The patient records received on August 20, 2004 differ in several respects from the records sent by Respondent on or about November 8, 2001.

34. Respondent advertises that he has advanced training in the Kale method. However, he did not complete a written examination at the end of his Kale training program.

35. Respondent consents to the entry of this Order by the Chiropractic Examining Board.

CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining Board has jurisdiction to act in this matter pursuant to §446.03, Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

2. Respondent’s conduct as set forth in paragraphs 7 through 12 above violated §§ 446.03(4), 446.03(5), 446.04(1), 446.04(5)(a) and (b), Wis. Stats., and Wis. Admin. Code §§ Chir. 6.02(15)(c) and Chir 6.02(25).

3. Respondent’s conduct as set forth in paragraphs 13 through 29 above violated §§ 446.03(5) and Wis. Admin. Code §§ Chir. 6.02(19), Chir 6.02(28), and Chir 5.01(3)

4. Respondent’s conduct as set forth in paragraphs 23, 33 above violated § 446.02(7m)(a) and Chir. 11.02.

5. Respondent’s conduct as set forth in paragraph 34 above violated § 446.03(5) and Chir. 6.02(15)(g)3.

ORDER

IT IS ORDERED:

1. The license of Jeffrey Mason to practice chiropractic in the State of Wisconsin is SUSPENDED for a period of one month, commencing the date upon which this Order is signed.
2. Respondent's license to practice chiropractic 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 6 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 three 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.
 - d) 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.
 - e) For a two year period after the completion of the course of education described above, the Board or its designee may 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 applicable laws, regulations and orders.
3. The September 18, 1997 Order of the Chiropractic Examining Board remains in full force and effect.
4. Respondent shall, within sixty (60) days from the date of this Order, pay costs of this proceeding in the amount of three thousand (\$3,000) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264
5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, the Respondent's license(#2256) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.
6. This Order is effective on the date of its signing.

James Weber
A Member of the Board

2-24-05
Date