

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	<b>FINAL DECISION AND ORDER</b>
	:	
DONALD M. BERGMAN, D.C.,	:	LS-0506234-CHI
RESPONDENT.	:	02 Chi 58

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

Donald M. Bergman  
161 W. Sunset Dr.  
Waukesha, WI 53189

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

PROCEDURAL HISTORY

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 Donald M. Bergman (dob 1/18/58) is and was at all times relevant to the facts set forth herein a chiropractor licensed in the State of Wisconsin pursuant to license #1929, first granted on 7/19/84.
2. On and between 10/4/00 and 11/27/00, respondent treated patient D.J., a man born in 1945, for a work-related injury. Respondent had previously treated this patient, and had been informed by the patient that the patient did not want a particular treatment known as “hydromassage therapy” because it had caused him pain. The patient did not undergo this particular therapy between 10/4/00 and 11/27/00. Notwithstanding this, respondent’s office billed the patient (and the insurance company) for 12 “hydromassage therapy” treatments.
3. In response to this matter, Respondent has taken and satisfactorily completed 7 hours of continuing education in ethics for professionals, sponsored by ChiroCredit.com, which is sponsored by the University of Bridgeport College of Chiropractic.

CONCLUSIONS OF LAW

- A. The Wisconsin Chiropractic Examining Board has jurisdiction to act in this matter pursuant to §448.02(3), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.
- B. The conduct described in ¶2, above, violated § Chir 6.02(14), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Donald M. Bergman, D.C., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that none of the hours of continuing education noted in the Findings of Fact shall be used to satisfy the continuing education requirement under § Chir 5.01(1), Wis. Adm. Code.

IT IS FURTHER ORDERED, that respondent shall pay the COSTS of investigating and prosecuting this matter of \$950 within 30 days of this Order.

IT IS FURTHER ORDERED, that pursuant to §227.51(3) and §448.02(4), Wis. Stats., 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 timely pay costs as ordered, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

Dated this June 23, 2005.

WISCONSIN CHIROPRACTIC EXAMINING BOARD

by: Jim Weber  
a member of the Board