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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

GARY J. LUHMAN, DC
RESPONDENT

:
:
:
:
:

FINAL DECISION AND ORDER

LS0606226CHI

(DOE 03 CHI 074)

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

Gary J. Luhman, DC
1016 S Madison ST
Lancaster, WI 53813

Chiropractic Examining Board
1400 E. Washington Avenue
P.O. Box 8935
Madison, WI 53708 8935

Department of Regulation and Licensing
Division of Enforcement
1400 E. Washington Avenue
P.O. Box 8935
Madison, WI 53708 8935

The parties in this matter, Gary J. Luhman, DC, Respondent and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Chiropractic Examining 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. Gary J. Luhman, DC, (D/O/B 5/6/49) is currently licensed as a chiropractor in the State of Wisconsin under license # 2102 which was first granted on January 9, 1986.
2. Respondent's most recent address on file with the Wisconsin Chiropractic Examining Board is 1016 S. Madison St., Lancaster, WI 53813.
3. At all times relevant to this action, Respondent was practicing as a chiropractor in Wisconsin.
4. An investigation, entitled 03 CHI 074, is pending in this matter before the Wisconsin Chiropractic Examining Board.
5. On September 13, 2002, Respondent and a 22 year old female MC, met at a social event they were attending in Cottage Grove, WI. During the course of that event, MC advised Respondent that she was having back pain and he offered to perform a chiropractic adjustment to address the pain.
6. On September 13, 2002, Respondent performed a chiropractic adjustment on MC within the meaning of Wis. Admin. Code sec. CHIR 4.03.
7. Respondent did not take a history from MC nor did he perform an examination or assessment of MC prior to performing the adjustment.
8. The Respondent has fully cooperated in the investigation and has voluntarily agreed to the Order contained herein.

CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. secs. 446.03 and 446.04.
2. The Wisconsin Chiropractic Examining Board has the authority to resolve this matter

by stipulation without an evidentiary hearing pursuant to Wis. Stats. sec. 227.44(5).

3. Respondent's conduct as described above, constituted a violation of Wis. Adm. Code secs. Chir 6.02 (3) and (9) in that he practiced in a manner which substantially departed from the standard of care ordinarily exercised by a chiropractor by failing to conduct a competent assessment and evaluation, including the taking of a history and performance of an examination, prior to performing the chiropractic adjustment on MC on September 13, 2002.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties, as attached hereto, is accepted.

IT IS FURTHER ORDERED that Respondent's license is limited as follows:

1. Respondent shall, within nine months of the effective date of this Order, complete 4 hours of continuing education in Boundaries and Ethics for chiropractors. The courses may not be used in satisfaction of the biennial continuing education requirement for continued licensure under Wis. Admin. Code sec. Chir 5.01.

2. Respondent shall be responsible for locating the course/s required under this Order, for providing adequate course descriptions to the Department Monitor and for obtaining pre-approval of the course/s from the Wisconsin Chiropractic Examining Board prior to commencement of the programs.

3. Within 30 days after the course/s identified in paragraph one above are concluded, Respondent shall file with the Wisconsin Chiropractic Examining Board certifications from the sponsoring organization of his attendance at the required course/s.

4. All costs of the educational programs shall be the responsibility of the Respondent.

5. Submission of all required documentation and payment of costs shall be 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

IT IS FURTHER ORDERED that Gary J. Luhman, DC, shall pay costs in this matter of seven hundred eight dollars (\$708.00) within ninety (90) days of the effective date of this Order.

IT IS FURTHER ORDERED, that the pending investigation 03 CHI 074 is hereby closed.

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 (#2102) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

This Order is effective on the date of its signing.

Dated at Madison, Wisconsin this 22nd day of June, 2006.

WISCONSIN CHIROPRACTIC EXAMINING BOARD

Steven Silverman
A Member of the Board