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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JOHN W. ZASTROW, D.C.,	:	LS0602233CHI
RESPONDENT.	:	

[Division of Enforcement Case #: 04 CHI 001]

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

John W. Zastrow, D.C.
S2840 Hwy 13 N
Marshfield, WI 54449

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

Wisconsin Chiropractic Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
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 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. John W. Zastrow, D.C., Respondent, date of birth September 13, 1965, is licensed by the Wisconsin Chiropractic Examining Board to practice chiropractic in the state of Wisconsin, pursuant to license number 3284, which was first granted October 13, 1995.

2. Respondent's last address reported to the Department of Regulation and Licensing is S2840 Hwy 13 N Marshfield, WI 54449.

COUNT I (Ms. A)

3. From April 3, 1997 through sometime after July 31, 1997, Ms. A received chiropractic treatment from Respondent.

4. From the first Saturday in May 1997 through July 31, 1997, Respondent had sexual intercourse and other sexual contact with Ms. A in his office and elsewhere.

5. Following April 25, 1997, Respondent stopped making records of Ms. A's treatment and stopped billing for her treatment. However, Ms. A continued to receive treatment from Respondent.

6. When Ms. A told Respondent that she had discussed their sexual relationship with one of her girlfriends, Respondent became angry and told Ms. A that she should not tell anyone about their relationship or he could lose his license.

COUNT II (Ms. B)

7. Respondent and Ms. B had a chiropractor-patient relationship from January 1996 through April 23, 2003. Respondent did not provide any professional services to Ms. A after October 2002, but the professional relationship was not terminated until April 23, 2003.

8. During treatment appointments, Respondent flirted with Ms. B. He commented how good she looked and made suggestive remarks to her. He gave her a long hug after performing a massage. They discussed marriage problems each was having. He made several requests that they kiss and near the end of the treatment, they hugged and kissed.

9. October 4, 2002 was the last date Ms. B received treatment from Respondent, but the chiropractor-patient relationship was not terminated by either of them until she requested her records from his office on April 23, 2003 to provide them to a different chiropractor. During that time:

a. On October 7, she stopped by his office at the end of the day after all patients were gone and he put his hands under her shirt and rubbed her back while they kissed. They talked about spending time together and she said she would not sleep with him unless they were both getting divorces.

b. On October 9, she stopped by his office at the end of the day and they kissed and hugged. He picked her up with his hands on her buttocks and had her wrap her legs around him. He told her he could have sex with her then in his office and she said it would not be special. He suggested they get a motel room and said he would wear a condom, but would like to have babies with her. She said they would need to be married.

c. On October 11, she went to his office near the end of the day after having had an initial appointment with a counselor to try to decide what to do about her conflicted feelings. She told the staff person her back was bothering her. After the last patient left, Respondent took her back to his office and was pleasantly surprised that she had really come in to talk with him and not for treatment. They hugged intimately and kissed.

d. On October 25, Ms. B had her second appointment with the counselor and decided she wanted to work on her marriage. The counselor said in order to do so, she must stop all physical contact with Respondent. On October 28, she told this to Respondent and they decided to remain friends and continue to talk.

e. On Saturday, November 2, Ms. B called him to talk and he asked her to stop at the office. She did and they kissed and hugged. He said he could have sex with her right then and she said she would not. She noticed through his clothing that his penis was erect.

f. On March 20, 2003, Respondent and Ms. B talked on the telephone. He talked about sexual things and said he wanted to get together with her. Ms. B felt that he was trying to convince her to have sex with him. He asked her to meet him and she said no.

10. On April 23, 2003, Ms. B went to Respondent's office, asked the staff to transfer her treatment records and completed the necessary forms. This formally ended the chiropractor-patient relationship of Respondent and Ms. B.

Additional Complaints

11. Two additional female patients have complained about Respondent's conduct during the time they were receiving chiropractic services from Respondent. Respondent denies these allegations of Ms. C and Ms. D and believes that the Division would be unable to prove the allegations. The Division believes it has evidence sufficient to prove the allegations by preponderance of the evidence.

CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 446.01 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in sexual contact, exposure, gratification and other sexual behavior with Ms. A while she was his patient, has committed unprofessional conduct as defined by Wis. Admin. Code § Chir 6.02(7) and is subject to discipline pursuant to Wis. Stat. § 446.03(5). [Count I]

3. Respondent, by engaging in sexual contact and other sexual behavior with Ms. B while she was his patient, has committed unprofessional conduct as defined by Wis. Admin. Code § Chir 6.02(7) and is subject to discipline pursuant to Wis. Stat. § 446.03(5). [Count II]

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of John W. Zastrow, D.C., Respondent, to practice chiropractic in the state of Wisconsin is hereby REVOKED, effective immediately.

2. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$6,600.00 pursuant to Wis. Stat. § 440.22(2).

3. Petitions, notices, requests and payment shall be e-mailed, faxed, mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

4. If Respondent ever requests that the Board grant him a credential:

a. Respondent must provide sufficient evidence that the cause of the revocation no longer exists. [Wis. Stat. § 446.05(2)]

b. The Board then may, in its sole discretion, deny Respondent any credential or grant Respondent a credential, with or without limitations. In making its decision, the Board may also consider the allegations of Ms. C and Ms. D.

c. The Board may also require any evaluations or testing of Respondent, which the Board believes will be of assistance in making its decision.

d. If Respondent believes that the Board's denial of credential is inappropriate, Respondent may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a) in which the burden shall be on Respondent to show that the Board's decision was arbitrary or capricious. The denial of credential shall remain in effect until there is a final decision in Respondent's favor on the issue.

Wisconsin Chiropractic Examining Board

By: Steven Silverman
A Member of the Board

2/23/06
Date