

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
LARROY D. REEK, D.C., : FINAL DECISION AND ORDER
RESPONDENT. : LS0602232CHI

Division of Enforcement Case # 05 CHI 041, 05 CHI 047

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

LaRoy D. Reek, D.C.
4200 University Avenue Suite 2100
Madison, WI 53705

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

Chiropractic Examining Board
Department of Regulation & 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 the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. LaRoy D. Reek, D.C., (DOB 11/02/1959) is duly licensed as a chiropractor in the State of Wisconsin (license # 12-2228). This license was first granted on January 7, 1987.
2. Respondent's most recent address on file with the Wisconsin Chiropractic Examining Board is 4200 University Avenue Suite 2100, Madison, Wisconsin.
3. On December 31, 2004, Respondent failed to renew his registration for his x-ray equipment as required by Wis. Stat. § 254.35(1).
4. Dr. Reek received an order to cease use of his x-ray equipment from the Department of Health and Family Services on or about March 21, 2005. Despite receiving that notice, Dr. Reek continued to use his x-ray equipment, although he did not pay his registration fee until May 19, 2005.

5. Respondent's license to practice chiropractic in Wisconsin expired on December 31, 2004. He continued to practice and to bill patients and insurance companies, without a valid license, until he renewed his license on May 2, 2005.

6. Despite written and verbal requests for information starting in July, 2005, Respondent did not respond to the Division of Enforcement investigator until on or about September 7, 2005.

7. On or about September 7, 2005, Respondent stated that the reason he had not renewed his x-ray registration and his chiropractic license was that he had a head injury from a motor vehicle accident and that he has "continuing difficulties with many of his faculties."

8. On or about December 15, 2005, the Division of Enforcement contacted Dr. Reek, requesting that he obtain an evaluation of his head injury by a neuropsychologist. As of February 9, 2006, Dr. Reek has not responded.

CONCLUSIONS OF LAW

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

2. The conduct described in paragraphs 3 - 8 above constitutes a violation of Wis. Stat. §§ 446.02(1), 446.03(4), 446.03(5), and Wis. Admin. Code § Chir 6.02(19) and 6.02(25).

ORDER

IT IS ORDERED:

1. The license of LaRoy D. Reek, D.C., to practice as a chiropractor in the State of Wisconsin is INDEFINITELY SUSPENDED.

2. The suspension of Dr. Reek's license MAY BE STAYED upon proof to the satisfaction of the Chiropractic Examining Board of all of the following:

a. Respondent shall have, at Respondent's own expense, undergone an assessment by an experienced neuropsychologist.

i. The assessor must not have treated Respondent at any time and shall have been approved by the Board, with an opportunity for the Division to make its recommendation, prior to the assessment being performed. Dr. Jonathan K. Lewis, Ph.D., of Stoughton, Wisconsin, is an approved assessor. If Respondent prefers another assessor, he must petition the Board for approval.

ii. The Division shall provide the assessor and Respondent with those portions of the investigative file which the Division believes may be of assistance in performing the assessment. Respondent may provide the assessor with any information Respondent believes will be of assistance in performing the assessment and shall immediately provide copies of that information to the Division.

iii. Respondent shall authorize the assessor to provide the Board, or its designee, and the Division with the assessment report and all materials used in performing the assessment and shall provide the Board, or its designee, and the Division with the opportunity to discuss the assessment and findings with the assessor.

iv. The assessor shall have provided an opinion to a reasonable degree of professional certainty that Respondent is able to practice with reasonable skill and safety of patients and public and does not suffer from any condition which prevents her from practicing in that manner. This opinion must be accompanied by the assessor's reasoning, articulated to the Board's satisfaction.

b. If the assessor has rendered the opinion required above and supported that opinion to the Board's satisfaction, then the Board may stay the suspension.

3. In the event that the suspension is stayed, the Board may LIMIT Respondent's license in a manner to address any concerns the Board has as a result of the conduct set out in the findings of fact or the period of time Respondent has not practiced chiropractic and to address any recommendations resulting from the assessment, including, but not limited to:

- a. Psychotherapy or other treatment, at Respondent's expense, by a practitioner approved by the Board, to address specific treatment goals, with periodic reports to the Board by the therapist.
- b. Additional professional education in any identified areas of deficiency.
- c. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board, with periodic reports to the Board by the supervisor.
- d. Requiring Respondent to appear before the Board on an annual basis, if requested by the Board, to review the progress of any treatment.
- e. Imposing a prohibition on the use of alcohol and drugs and instituting random alcohol and drug testing and alcohol and drug treatment.

4. The Board may revoke the stay and reinstate the suspension at any time if it determines that patient health, safety and welfare so warrants.

5. Upon the recommendation of his therapist, Respondent may petition the Board to eliminate the limitations on his license and/or end the suspension. The decision to eliminate any of the limitations or to end the suspension is in the sole discretion of the board.

6. Violation of any of the other 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 pursuant to the procedures set forth in Wis. Admin. Code RL Ch. 6. 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 the Respondent's license SHALL REMAIN SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

7. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Two Hundred Dollars (\$200.00). 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

8. This Order is effective on the date of its signing.

Chiropractic Examining Board

By: Steven Silverman
A Member of the Board

2/23/06
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
LARROY D. REEK, D.C., : STIPULATION
RESPONDENT. : LS# _____

Division of Enforcement Case # 05 CHI 041, 05 CHI 047

LaRoy D. Reek, D.C., personally on his own behalf; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 05 CHI 041 and 05 CHI 047). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Chiropractic Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Chiropractic Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

LaRoy D. Reek, D.C.
4200 University Avenue Suite 2100
Madison, WI 53705

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date