

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
 : FINAL DECISION AND ORDER
 : LS0804174CHI
DWAYNE K. TRUHLSEN, D.C., :
RESPONDENT. :

Division of Enforcement Case # 05 CHI 045

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

Dwayne K. Truhlsen, D.C.
P.O. Box 186
Dresser, WI 54009

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. Dwayne K. Truhlsen, D.C., (DOB 11/25/1969) is duly licensed as a chiropractor in the State of Wisconsin (license # 12-3482). This license was first granted on December 18, 1997.
2. Respondent's most recent address on file with the Wisconsin Chiropractic Examining Board is P.O. Box 186, Dresser, Wisconsin, 54009.
3. Patient S.D. was involved in a motor vehicle accident on November 15, 2002. He sought treatment from Respondent.
4. On or about May 15, 2003, S.D.'s insurance company requested records from Respondent, along with an authorization form signed by the patient. Respondent did not respond. Thereafter, the insurance company sent letters requesting records on:

May 22, 2003
June 16, 2003
July 23, 2003
April 29, 2004
September 15, 2004
September 30, 2004
November 4, 2004
December 1, 2004
December 7, 2004
January 5, 2005
January 11, 2005
April 1, 2005

In addition, the insurance company telephoned Respondent's practice on July 30, 2003, February 23, 2005, and February 24, 2005, and personally visited Respondent's practice on May 10, 2005, requesting records.

Respondent did not respond to any of these requests for records.

5. On May 12, 2005, Respondent sent the insurance company patient records from June 17, 2003. He omitted requested records from November 19, 2002 through June 17, 2003.

6. The insurance company filed a complaint with the Chiropractic Examining Board on May 12, 2005. In response to the Board's request, Respondent provided all records.

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 4-6 above constitutes a violation of Wisconsin Statute § 146.83 and Wisconsin Administrative Code §§ Chir 6.02(26) and (28), and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

ORDER

IT IS ORDERED:

1. Dwayne K. Truhlsen, D.C., is REPRIMANDED.
2. The license of Dwayne K. Truhlsen, D.C. to practice chiropractic in the State of Wisconsin is LIMITED as follows:

Within One Hundred Eighty (180) days of the date of this Order, Respondent shall provide proof of successful completion of 6 hours of pre-approved continuing education in medical records law and record-keeping for Chiropractors. Respondent is responsible for finding an appropriate course and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain board approval within the 180 day time frame, taking into account the board's meeting schedule. Respondent is responsible for all costs associated with this continuing education. Respondent will not apply any of the continuing education credits earned in satisfaction of this Order toward satisfaction of his Wis. Stat. § 446.02(1)(b) biennial training requirements

3. Within ninety days of the date of this Order, Respondent must pay the 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

4. In the event Respondent fails to pay costs as ordered, or fails to comply with the continuing education requirement, the Respondent's license (# 12-3482) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.
5. This Order is effective on the date of its signing.

Chiropractic Examining Board

By: Steven J. Silverman
A Member of the Board

4/17/08
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
 : STIPULATION
DWAYNE K. TRUHLSEN, D.C., : LS# _____
RESPONDENT. :

Division of Enforcement Case # 05 CHI 045

Dwayne K. Truhlsen, 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 045). Respondent consents to the resolution of this investigation by stipulation.

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.

Dwayne K. Truhlsen, D.C.
P.O. Box 186
Dresser, WI 54009

Date

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

Date