

# 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 :  
: FINAL DECISION AND ORDER  
: LS0806051CHI  
JAMES W. APPEL, D.C., :  
RESPONDENT. :

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Division of Enforcement Case # 03 CHI 053, 04 CHI 054

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

James W. Appel, D.C.  
2863 S. Prairie View Road Suite 1  
Chippewa Falls, WI 54729

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

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Chiropractic Examining Board on June 5, 2008. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition 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. James W. Appel, D.C., (DOB 11/27/1955) is duly licensed as a chiropractor in the State of Wisconsin (license # 12-1514). This license was first granted on December 3, 1979.
2. Respondent's most recent address on file with the Wisconsin Chiropractic Examining Board is 2863 S. Prairie View Road Suite 1, Chippewa Falls, WI 54729.

**03 CHI 053**

3. Patient T.Z. came in for a first visit on July 16, 2003. T.Z. later refused to pay his bill, claiming he had been told the visit and x-rays would be free.
4. T.Z. asked to have his records, including x-rays, sent to another chiropractor. Respondent refused to release

the records because T.Z. had not paid his bill.

#### **04 CHI 054**

5. Respondent has directed unlicensed chiropractic assistants to perform therapies on patients, including the Spinalator, Hydro Table, heat and cold therapies, and Electro Stem Therapy. The chiropractic assistants were not certified at the time such therapies were performed.

6. Respondent has charged reduced insurance co-pays.

#### **CONCLUSIONS OF LAW**

1. The conduct described in paragraph 4 above constitutes a violation of Wisconsin Administrative Code § Chir 6.02(28) and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

2. The conduct described in paragraph 5 above constitutes a violation of Wisconsin Administrative Code § Chir 6.02(16) and (17) and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

3. The conduct described in paragraph 6 above constitutes a violation of Wisconsin Administrative Code § Chir 6.02(29) and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

#### **ORDER**

#### **IT IS ORDERED:**

1. The license of James W. Appel, D.C. to practice as a chiropractor in the State of Wisconsin is **SUSPENDED** for two weeks, beginning on Monday, November 24, 2008.

2. The license of James W. Appel, D.C. to practice chiropractic in the State of Wisconsin is **LIMITED** as follows:

(a) 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 law and ethics 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

(b) Within 30 days of the date of this Order, Respondent must identify all chiropractic assistants currently employed by his practice and those chiropractic assistants who have been employed by his practice within the previous four years from the date of this Order, and must provide verification of training and certification of those chiropractic assistants. For a period of two years from the date of this Order, if Respondent employs any new chiropractic assistants, he must provide verification of training and certification within 30 days of their commencement of employment.

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Two Thousand Dollars (\$2,000.00). 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 ordered continuing education, the Respondent's license (#12-1514) 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, with the exception that the suspension is effective on November 24, 2008.

Chiropractic Examining Board

By: Steven Silverman  
A Member of the Board

11/20/08  
Date

STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
 :  
JAMES W. APPEL, D.C., :  
RESPONDENT. :

STIPULATION  
LS# 0806051 CHI

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Division of Enforcement Case Nos. 03 CHI 053, 04 CHI 054

James W. Appel, D.C., personally and by his attorney Marie A. Stanton; 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 Nos. 03 CHI 053 and 04 CHI 054). 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 obtained 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.

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James W. Appel, D.C.  
2863 S. Prairie View Road Suite 1  
Chippewa Falls, WI 54729

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Date

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Marie A. Stanton  
Hurley, Burish & Stanton, S.C.  
Attorneys for James W. Appel, D.C.  
33 East Main Street, Suite 400  
Madison, WI 53701-1528

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Date

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

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Date