

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
MICHAEL D. TREMBA, D.C., : FINAL DECISION AND ORDER
RESPONDENT. : LS0808145CHI

Division of Enforcement Case # 05 CHI 063

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

Michael D. Tremba, D.C.
8314 W. Lincoln Avenue
West Allis, WI 53219

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. Michael D. Tremba, D.C., (DOB 11/25/1971) is duly licensed as a chiropractor in the State of Wisconsin (license # 12-3837). This license was first granted on February 22, 2002.
2. Respondent's most recent address on file with the Wisconsin Chiropractic Examining Board is 8314 W. Lincoln Avenue, West Allis, Wisconsin, 53219.
3. A sample of seven patient records were obtained. In each case, at each visit, Respondent consistently billed under CPT codes 97110, 97112, and 97530 or 97140, each of which requires 15 minutes of face to face provider time, and 98941, which requires manipulation of 3-4 regions. Based on these codes, Respondent should have been spending at least 45 minutes with each patient at each visit.
4. In four out of seven cases, patients reported seeing Respondent for at most five to ten minutes per visit. One

patient reported being seen for 30 minutes. Two patients could not recall how much time was spent.

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 3-4 above constitutes a violation of Wisconsin Administrative Code Chir § 6.02(14), and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(4) and (5).

ORDER

IT IS ORDERED:

1. The license of Michael D. Tremba, D.C., to practice chiropractic in the State of Wisconsin is **SUSPENDED** for thirty (30) days. In order to provide Respondent with time to arrange alternate care for his patients, the suspension will commence on October 1, 2008.

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

- (a) Within ninety (90) days of the date of this Order, Respondent shall provide proof of successful completion of 6 hours of pre-approved continuing education in CPT code billing for Chiropractors.
- (b) Respondent is responsible for finding an appropriate course and submitting the course information to the Board or its designee/liaison for approval prior to taking the course.
- (c) Respondent is responsible for all costs associated with this continuing education.
- (d) 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.
- (e) Upon proof of successful completion of this continuing education, this limitation will be lifted and Respondent will return to full licensure.

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of One Thousand Five Hundred Dollars (\$1,500.00). 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 (# 12-3837) **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 Silverman

8/14/08

A Member of the Board

Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

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

Division of Enforcement Case # 05 CHI 063

Michael D. Tremba, D.C., personally and by his attorney Dan Riegleman; 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 063). 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.

Michael D. Tremba, D.C.
8314 W. Lincoln Avenue
West Allis, WI 53219

Date

Dan Riegleman
Riegleman Law Offices SC
Attorneys for Michael D. Tremba, D.C.
N63 W23965 Main Street
Sussex, WI 53089-3123

Date

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

Date