

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF A PETITION FOR AN	:	
ADMINISTRATIVE INJUNCTION INVOLVING :	:	
	:	INJUNCTION
	:	
HANS JEROSCH,	:	LS# 0808202 UNL
RESPONDENT.	:	

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Division of Enforcement Case # 08 UNL 055

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

Han Jerosch  
2430 E. Washington Ave.  
Madison, WI 53704

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

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Petition for Administrative Injunction with the Secretary on August 20, 2008. Prior to the hearing on the Petition, 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 Secretary. The Secretary has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Hans Jerosch, D.C., (DOB 09/07/1945) was formerly licensed as a chiropractor in the State of Wisconsin (license #12-1294). This license was first granted on August 1, 1974, and expired at the end of December, 2006. Pursuant to Wis. Stat. § 440.08(3), Respondent may reinstate his license upon payment of a fee until December 31, 2011.
2. Respondent's most recent address on file with the Wisconsin Chiropractic Examining Board is 2430 E. Washington Avenue, Madison, Wisconsin, 53704.
3. In or about November, 2007, the Division of Enforcement received an informal complaint alleging that repeated requests for patient records from Respondent had been ignored. The requested records were for treatment from injuries sustained in an April 24, 2007 accident.
4. A Division of Enforcement intake staff person noticed that Respondent's license had expired. She called him and asked if he was currently practicing chiropractic, and he said that he was.

5. In response to the informal complaint, the Division of Enforcement requested the records from Respondent. The Division's requests were ignored as well.

6. On or about April 3, 2008, A Division of Enforcement investigator appeared at Respondent's office unannounced. It appeared that the office was open for business and Respondent was the only chiropractor there. The investigator served a subpoena for the requested medical records, and notified Respondent that he was practicing after his license had expired.

7. On or about April 9, 2008, Respondent called the Division of Enforcement investigator and told him that: (1) he had been unable to renew his license because he had not completed the CPR requirement; (2) he had been unable to locate the subpoenaed patient file; and (3) he stated that he had a medical condition, hydrocephalus, that affected his memory.

8. On or about April 23, 2008, Respondent informed the investigator that he had found the patient file. Those records consisted of one page of x-ray findings and analysis, and a list of treatment dates.

9. On or about May 18, 2008, Respondent submitted documentation of CPR certification and completion of 12 continuing education credits. Twenty-eight additional continuing education credits were required before Respondent could renew his license.

10. On or about May 28, 2008, the Division of Enforcement investigator visited Respondent's office. It appeared that he was still working as a chiropractor. The investigator explained to Respondent what he needed to do to be re-licensed, and informed him that he must stop working until his license was renewed.

11. On or about June 18, 2008, a different Division of Enforcement investigator called Respondent and asked to make an appointment. She was given an appointment with Respondent for June 19, 2008.

12. On or about June 23, 2008, the Division of Enforcement received Respondent's medical records. The records indicate that as of November, 2006, Respondent was having difficulties at work and was unable to complete paperwork. His physician stated "his neuropsych testing showed significant cognitive problems." Respondent has been resistant to treatment of his medical condition.

### CONCLUSIONS OF LAW

1. Wis. Stat. §446.02(1) states that no person may engage in the practice of chiropractic or attempt to do so or hold himself or herself out as authorized to do so unless such person is licensed by the examining board and meets the requirements of continuing education for license renewal as the examining board may require.

2. The Department of Regulation and Licensing has authority to issue this Administrative Injunction as a special order under Wis. Stat. § 440.21 and Wis. Admin. Code Ch. RL 3.

### ORDER

IT IS ORDERED:

IT IS ORDERED, that the attached stipulation is accepted.

IT IS FURTHER ORDERED, that Respondent Hans Jerosch is enjoined and prohibited from engaging in the practice of chiropractic in Wisconsin unless and until he is duly licensed as a chiropractor in Wisconsin.

Respondent Hans Jerosch is further enjoined and prohibited from holding himself out as authorized to practice chiropractic in Wisconsin unless and until he is duly licensed as a chiropractor in Wisconsin.

Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation per Wis. Sta

440.21(4)(a).

IT IS FURTHER ORDERED, that if the Secretary determines that there is probable cause to believe that respondent violated any terms of this final decision and order, the Secretary may order that the violations covered by this decision and or be referred to any appropriate prosecutorial unit for review for possible criminal charges.

Issued at Madison, Wisconsin this 10<sup>th</sup> day of September, 2008.

Celia Jackson, Secretary or designee  
Department of Regulation and Licensing

IN THE MATTER OF A PETITION FOR AN	:	
ADMINISTRATIVE INJUNCTION INVOLVING :	:	STIPULATION
	:	
HANS JEROSCH,	:	LS# 0808202 UNL
RESPONDENT.	:	

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Division of Enforcement Case # 08 UNL 055

Hans Jerosch, 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 an investigation by the State of Wisconsin Department of Regulation and Licensing (“the Department”). Respondent consents to the resolution of this investigation by agreement and without public hearing on, or the filing of, a petition for an administrative injunction.
2. Respondent understands that by signing this Stipulation, he waives the following rights with respect to formal proceedings: the right to a statement of the allegations against him; the right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against him, the right to call witnesses on his behalf and to compel attendance of witnesses by subpoena; the right to testify personally; the right to file objections to any proposed decision and to present briefs and 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, and the Wisconsin Administrative Code.
3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.
4. Respondent admits the allegations in the findings of fact and conclusions of law and agrees to the adoption of the administrative injunction by the Secretary of the Department of Regulation and Licensing, and to its entry without further notice, pleadings, appearance or consent of the parties. Personal service of the Administrative Injunction is waived, and Respondent will accept service by mail.
5. Respondent waives all rights to any appeal of the Secretary’s order, if adopted in the form as attached.
6. The parties agree that an attorney for the Division of Enforcement may appear before the Secretary without the presence of Respondent or his attorney for the purposes of speaking in support of this agreement and answering questions that the Secretary and her staff may have in connection with their deliberations on this case.
7. The Division of Enforcement joins the respondent in recommending that the Secretary adopt this Stipulation issue the attached Administrative Injunction.
8. If the terms of this Stipulation are not acceptable to the Secretary, the parties shall not be bound by the content of this Stipulation or the proposed Administrative Injunction, 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 Secretary, the parties agree not to contend that the Secretary has been prejudiced or biased in any manner by the consideration of this attempted resolution.
9. Respondent is informed that should the Secretary adopt this stipulation, the administrative injunction is a public document and may be subject to publication, according to standard Department procedures.

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Hans Jerosch  
2430 E. Washington Ave.  
Madison, WI 53704

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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