

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST:	:	
	:	FINAL DECISION AND ORDER
JOY E. HIMSEL, D.C.,	:	LS0812051CHI
RESPONDENT.	:	

[Division of Enforcement Case # 06 CHI 074]

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

Joy E. Himsel, D.C.
7278 Valley Road
Verona, WI 53593

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

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

PROCEDURAL HISTORY

A formal complaint has been filed in this matter. The parties in this matter now 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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Joy E. Himsel, D.C., Respondent, date of birth March 25, 1954, was licensed by the Chiropractic Examining Board to practice chiropractic in the state of Wisconsin pursuant to license number 1753, which was first granted July 17, 1982.
2. On February 3, 2006, Respondent experienced a fall which resulted in severe traumatic brain injury.
3. Respondent allowed her license to expire on December 31, 2006, but she has since renewed it pursuant to Wis. Stat. § 440.08(3)(a) and Wis. Adm. Code § Chir 3.02. Respondent states she did not believe she was strong enough to practice.
4. Respondent's address of record with the Department of Regulation and Licensing is 7278 Valley Road, Verona, WI 53593.
5. Between the time her license expired on December 31, 2006 and August 1, 2008, Respondent performed chiropractic adjustments on at least one individual, a family member.
6. Between the time her license expired on December 31, 2006 and August 1, 2008, Respondent had not completed required continuing education courses. Continuing education credits are currently up to date.
7. On July 28, 2008, Respondent told a consumer protection investigator that she had been seeing clients for

massage and body work, but had not performed chiropractic adjustments since her license expired.

8. On August 4, 2008, Respondent corresponded with the Department of Regulation and Licensing on letterhead stationery which identified her as Joy Himsel, D.C., High Point Chiropractic, 7278 Valley Road, Verona, WI 53593.

9. Wisconsin Stat. § 446.02(1) provides that no person may practice chiropractic, or hold himself or herself out as authorized to do so, unless the person is licensed by the Chiropractic Examining Board and has met continuing education requirements.

10. Respondent has agreed to entry of an administrative injunction barring her from unlicensed practice, and she understands that any future violation would lead to severe consequences.

COUNT ONE

11. Between December 31, 2006 and August 1, 2008, Respondent, Joy E. Himsel, D.C., engaged in the unlicensed practice of chiropractic in Wisconsin on at least one individual, in violation of Wis. Stat. § 446.02(1), and without required continuing education credits, in violation of Wis. Adm. Code §§ CHIR 5.01 and 6.02(4) and (25).

COUNT TWO

12. Respondent, by the behavior set forth in Par. 8 above, held herself out as one authorized to practice chiropractic without the required credentials, in violation of Wis. Stat. § 446.02(1) and Wis. Adm. Code § CHIR 6.04(25).

CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 446.03 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by practicing chiropractic without holding a current license to do so, violated Wis. Stat. § 446.02(1) and is subject to discipline pursuant to Wis. Stat. § 446.03(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Joy E. Himsel, D.C., is hereby REPRIMANDED for the above conduct.

2. Respondent shall, within fourteen (14) days of the date of this Order, provide proof to the Department of Regulation and Licensing that she has valid liability insurance as required by Wis. Admin. Code § CHIR 3.07. Respondent shall then provide proof on a quarterly basis for a period of time five (5) years from the date of this Order.

3. Payment shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

4. In the event that Respondent fails to provide proof of liability insurance as ordered, Respondent's license 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.

Wisconsin Chiropractic Examining Board

By: Wendy Henrichs

8/13/09

A Member of the Board

Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST:	:	
	:	STIPULATION
JOY E. HIMSEL, D.C.,	:	<u>LS 0812051 CHI</u>
RESPONDENT.	:	

[Division of Enforcement Case # 06 CHI 074]

It is hereby stipulated and agreed, by and between Joy E. Himself, D.C., Respondent; and Sandra L. Nowack, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending disciplinary proceeding against Respondent’s licensure by the Division of Enforcement (file 06 CHI 074). Respondent consents to the resolution of this matter by stipulation and without a hearing.
2. Respondent understands that by signing this Stipulation, she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her 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 advice of legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the 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 the 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 Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, if any, 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 case 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.

Joy E. Himsel, D.C.
Respondent
7278 Valley Road
Verona, WI 53593

Date

Sandra L. Nowack
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date