

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION & LICENSING

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IN THE MATTER OF A PETITION FOR AN :  
ADMINISTRATIVE INJUNCTION INVOLVING :  
 : LS0812052UNL  
JOY E. HIMSEL, D.C., :  
RESPONDENT. :

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FINAL DECISION AND SPECIAL ORDER OF INJUNCTION  
[WIS. STAT. § SEC. 440.21(2)]

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[Division of Enforcement Case # 08 UNL 064]

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

On December 2, 2008, the Division filed a Petition for an Administrative Injunction. 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 Department. The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department 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. For a period of time between December 31, 2006, through August 1, 2008, Respondent had not renewed her license since it expired on December 31, 2006, but could have renewed it pursuant to Wis. Stat. § 440.08(3)(a) and Wis. Adm. Code § Chir 3.02 by payment of fees and proof of completion of continuing education requirements. Respondent states that the brain injury impacted her ability to address renewal of her license.
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, her brother, and received no financial remuneration.

6. 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.

7. As of June 4, 2009, Respondent's credentials are current and unlimited.

8. Wisconsin Stat. § 446.02 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.

#### CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction over this matter, pursuant to Wis. Stat. § 440.21(1) and (2) and is authorized to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, Joy E. Himsel, D.C., has engaged in the unlicensed practice of chiropractic in Wisconsin, in violation of Wis. Stat. § 446.02(1).

3. Respondent, Joy E. Himsel, D.C. has held herself out as one authorized to practice chiropractic, in violation of Wis. Stat. § 446.02(1).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent, Joy E. Himsel, D.C., is prohibited from practicing as a chiropractor without a license in the state of Wisconsin.

IT IS FURTHER ORDERED that Respondent, Joy E. Himsel, D.C., be, and hereby is, notified that any person who violates a special order such as this, issued under Wis. Stat. § 440.21 may be required to forfeit not more than \$10,000.00 for each offense and that each day of continued violation constitutes a separate offense.

Department of Regulation and Licensing

By: Celia M. Jackson  
Secretary

6/25/09  
Date

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION & LICENSING

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IN THE MATTER OF A PETITION FOR AN :  
ADMINISTRATIVE INJUNCTION INVOLVING: :  
 : STIPULATION  
JOY E. HIMSEL, D.C., : LS 0812052 UNL  
RESPONDENT. :

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[Division of Enforcement Case # 08 UNL 064]

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

1. The Wisconsin Department of Regulation and Licensing, Division of Enforcement, has an open investigative file pending regarding Respondent (08 UNL 064) which contains allegations that Respondent engaged in the practice of chiropractic in the state of Wisconsin without a current credential, and improperly held herself out as one authorized to practice chiropractic in this state.

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 Special Order of Injunction by the Department. The parties to the Stipulation consent to the entry of the attached Final Decision and Special Order of Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department 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 for the Division of Enforcement may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.

7. Petitioner agrees not to use the existence of the Special Order as evidence that Respondent violated the rules of the Chiropractic Examining Board. Respondent knows, understands and agrees that Petitioner may use the existence of the Special Order as evidence concerning appropriate discipline in LS0812051CHI, which remains in dispute.

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Joy E. Himsel, D.C.  
Respondent  
7278 Valley Road

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Date

Verona, WI 53593

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

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Date