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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	ORDER FOR SUMMARY SUSPENSION
	:	
WILLIAM E. ATKINSON, D.C.,	:	LS0902041CHI
RESPONDENT.	:	

Division of Enforcement Case # 05 CHI 037

The Petition for Summary Suspension of February 4, 2009, noticed to be presented at 10:00 a.m. on February 5, 2009, came on for hearing before the Wisconsin Chiropractic Examining Board (Board) at the time and place noticed. Attorney Jeanette C. Lytle appeared for the Complainant, Department of Regulation and Licensing, Division of Enforcement. Respondent William E. Atkinson appeared in person and by his attorney, Marie Stanton.

The Board having considered the sworn Petition for Summary Suspension; the February 4, 2009 Affidavit in Support of Petition for Summary Suspension of Sharon Henes; and the February 4, 2009 Affidavit of Services of Beth Cramton and, having heard the arguments of counsel, hereby makes the following:

FINDINGS OF FACT

1. William E. Atkinson, D.C., (DOB 02/24/1944) is duly licensed as a chiropractor in the State of Wisconsin (license #12-1354). This license was first granted on July 29, 1976.

2. Respondent's most recent address on file with the Wisconsin Chiropractic Examining Board is 1344 Creston Park Drive, Janesville, Wisconsin, 53545.

Notice Pursuant to § RL 6.05, Wis. Adm. Code.

3. On February 4, 2009, Paralegal Beth Cramton hand-delivered copies of the Notice of Presentation and Petition for Summary Suspension and the Affidavit of Sharon Henes to Respondent's attorney, Marie Stanton, at Hurley, Burish & Stanton 33 East Main Street, Suite 400, Madison, WI 53701-1528.

4. Notice has been given under § RL 6.05. Wis. Adm. Code.

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5. On August 14, 2008, pursuant to a stipulation by the parties, the Chiropractic Examining Board signed an Order concluding that that Respondent had committed unprofessional conduct by violation of Wisconsin Administrative Code Chir § 6.02(1), 6.02(7) and 6.02(26), relating to allegations that he repeatedly touched L.M.S., a minor, in a sexual manner on her breasts, buttocks and crotch, through her clothes. L.M.S. was the daughter of Respondent's domestic partner and lived with him. L.M.S. was also Respondent's chiropractic patient.

6. The Board's Order required Respondent to provide proof of successful completion of 6 hours of pre-approved continuing education in patient boundaries within 90 days of the date of the Order. The Order provided that Respondent was responsible for finding appropriate courses 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 90 day time frame, taking into account the board's meeting schedule. Respondent was responsible for all costs associated with this continuing education. Respondent was not to 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

7. Respondent has not, as of this date, submitted proof of successful completion of any pre-approved continuing education in patient boundaries despite requests for such proof by the Department Monitor to Respondent's attorney.

8. The Board's Order provided that violation of any term or condition of the Order may constitute grounds for revocation of Respondent's license as a chiropractor in Wisconsin, and that should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, the Board may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

9. Because Respondent has not abided by the Board's Order, the public health safety and welfare imperatively requires emergency suspension of Respondent's license to practice chiropractic.

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 Wisconsin Chiropractic Examining Board has authority to summarily suspend a license to practice chiropractic pursuant to §§ 227.53(3), Stats., and Wis. Adm. Code § RL 6.

3. There is probable cause to believe that Respondent has violated the terms of his disciplinary order and thereby has engaged in or is likely to engage in conduct such that the public health, safety or welfare imperatively requires emergency suspension of Respondent's license to practice chiropractic.

ORDER

IT IS ORDERED that the license of William E. Atkinson, D.C., to practice chiropractic in the state of Wisconsin is summarily suspended, effective immediately upon Respondent or his attorney receiving actual notice of this summary order or upon service of this summary suspension order upon Respondent under § RL 6.06(3), Wis. Adm. Code, whichever is sooner.

IT IS FURTHER ORDERED that this Order continues to be in effect until such time as a final order and decision is reached in a disciplinary proceeding against Respondent based on his violation of his board order, unless otherwise ordered by the Board.

IT IS FURTHER ORDERED that Respondent is hereby notified of his right, pursuant to Wis. Adm. Code § RL 6.09, to request a hearing to show cause why this summary suspension order should not be continued and is further notified that any request for a hearing to show cause should be filed with the Wisconsin Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

IT IS FURTHER ORDERED that in the event that Respondent requests a hearing to show cause why the summary suspension should not be continued, that hearing shall be scheduled to be heard on a date within 20 days of receipt by the Board of Respondent's request for hearing, unless Respondent requests or agrees to a later time for the hearing.

Dated at Madison, Wisconsin this 5th day of February, 2009.

Wendy M. Henrichs
Member, Chiropractic Examining Board