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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
BRAD H. WEH KING, D.C.,	:	<u>ORDER 0000063</u>
RESPONDENT.	:	

[Division of Enforcement Case No. 06 CHI 008]

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

Brad H. Wehking, D.C.
805 Red Fox Court
Watertown, WI 53094

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

Wisconsin Chiropractic Examining Board
Department of Regulation and 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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Brad H. Wehking, D.C., Respondent, date of birth December 27, 1968, was licensed by the Wisconsin Chiropractic Examining Board to practice chiropractic in the state of Wisconsin, pursuant to license number 12 3149, which was first granted June 30, 1994.
2. Respondent's last address reported to the Department of Regulation and Licensing is 805 Red Fox Court, Watertown, WI.
3. At all times relevant to this matter, Respondent practiced chiropractic at Wellness Chiropractic Care, 1724 South Church Street, Suite C, Watertown, WI 53094.

4. On November 1, 2001, Patient T.M. DOB 12/15/55, was injured in an automobile accident. T.M. had been involved in a number of prior motor vehicle accidents, with associated pain, but did not seek treatment.

5. T.M. did not receive treatment until she saw a physician who referred her to Respondent on August 4, 2004. Between August 4, 2004, and January 5, 2006, Respondent saw T.M. 97 times.

6. During the time Respondent treated T.M., he did not document a clearly defined treatment plan, nor did he refer her for a second opinion or adjunctive treatment. Despite intensive care over a significant period of time and recorded objective improvement, the patient continued to experience similar complaints. Standards within the chiropractic profession required Respondent to refer the patient for another opinion or alter treatment.

7. Respondent has now instituted an electronic record keeping system that has improved his documentation.

8. Patient T.M. had no complaints concerning Respondent's care.

9. A review of Respondent's practice statistics indicates that the large number of treatment visits in this matter is not typical of his practice.

CONCLUSIONS OF LAW

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

2. Respondent, by engaging in the conduct set out above, has engaged in excessive treatment, which is unprofessional conduct as defined by Wis. Admin. Code § CHI 6.02(8). Respondent is therefore subject to discipline pursuant to Wis. Stat. § 446.03(5).

3. Respondent, by engaging in the conduct set out above, practiced in a manner which substantially departs from the standard of care ordinarily exercised by a chiropractor, which is unprofessional conduct as defined by Wis. Admin. Code § CHI 6.02(3). Respondent is therefore subject to discipline pursuant to Wis. Stat. § 446.03(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Respondent, Brad H. Wehking, D.C., is hereby LIMITED as follows:

Within 365 days of the date of this Order, Respondent shall provide proof sufficient to the Board, or its designee, of Respondent's satisfactory completion of forty-eight (48) hours of continuing

education in case management; physical, orthopedic and neurologic examination; and minimum standards of care, which course(s) shall first be approved by the Board, or its designee.

- a. Licensee shall be responsible for paying the full cost of attendance at these courses. Licensee shall not apply any of the continuing education credits earned in satisfaction of this Order toward satisfaction of mandated continuing education requirements.
 - b. Upon Respondent providing proof sufficient to the Board, or its designee, that he has completed the education, the Board shall issue an Order removing this limitation of Respondent's license.
2. Costs of this proceeding have been waived.
 3. Requests for approval, notification of completion of educational programs and payment shall be faxed, 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 pay costs as ordered or fails to comply with the ordered continuing education, 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:

(s) Wendy Hunches
A Member of the Board

Date

2/11/10