

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
RANDALL W. NODORFT, D.C.,	:	
RESPONDENT.	:	

ORDER 0000730

[Division of Enforcement Case No. 08 CHI 027]

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

Randall W. Nodorft, D.C.
884 S. Janesville Street, Suite C
Whitewater, WI 53190

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. Randall W. Nodorft, D.C., Respondent, date of birth November 27, 1974, is licensed by the Wisconsin Chiropractic Examining Board to practice chiropractic in the state of Wisconsin, pursuant to license number 12-4057, which was first granted on August 12, 2004.
2. Respondent's last address reported to the Department of Regulation and Licensing is 884 S. Janesville Street, Suite C, Whitewater, Wisconsin 53190.
3. At all times relevant to this matter, Respondent practiced chiropractic at Clinical Chiropractic of Whitewater, S.C.

4. In spring of 2008, Respondent published 1,500 fliers in Whitewater Register Newspaper which advertised spinal decompression services with an 86% success rate for treatment of sciatica, bulging discs, herniated discs and degenerative disc disease.

5. In February of 2008, Respondent's website, Clinicalchiropractic.com contained an advertisement which stated:

[W]e have developed an extensive and comprehensive treatment plan utilizing the **"State of the Art" care using the revolutionary FDA cleared Spinal Decompression Technology** ... clinical studies have **REVEALED AN AMAZING SUCCESS RATE IN MORE THAN 80% OF PATIENTS** with treatment of lumbar disc related problems.

6. Statistical success rates for spinal decompression treatment have not been sufficiently substantiated by reliable, peer-reviewed, published scientific studies to provide a representative likelihood of successful treatment.

7. Respondent uses the 3DactiveTrac manufactured by the Saunders Group to provide spinal decompression treatment.

8. The Saunders Group, as the manufacturer of a medical device, was required to register it with the Food and Drug Administration ("FDA"). The FDA classifies medical devices by the level of danger posed to the consumer. The FDA denies market approval, grants market approval or grants market clearance.

9. "Market approval" represents that the FDA has determined that the device is safe and effective for its intended purpose. Formal clinical and laboratory studies are required to prove that the device is safe and effective.

10. "Market clearance" represents only that the FDA has determined that the device is "substantially equivalent" to a similar device cleared by the FDA prior to the 1976 Medical Device Amendments to the Federal Food, Drug and Cosmetic Act. Premarket clearance lacks assurances of the safety and efficacy of the device which are required by the FDA's premarket approval process.

11. The 3DactiveTrac has not received market approval by the FDA. It received market clearance from the FDA on August 31, 2000 because a substantially equivalent device existed prior to May 28, 1976.

12. The FDA has not determined that the 3DactiveTrac is safe and effective for spinal decompression treatment. Through its market clearance and classification processes, the FDA has classified the 3DactiveTrac as a Class II device which poses a moderate level of risk to the user.

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 conduct described above, published advertising which contained a misrepresentation of fact, in violation of Wis. Admin. Code § CHI 6.02(15)(a).
3. Respondent, by conduct described above, published advertising which was likely to create unjustified expectations of favorable results, in violation of Wis. Admin. Code § CHI 6.02(15)(c).
4. Respondent, by conduct described above, published advertising which contained representations that in reasonable probability would cause an ordinarily prudent person to misunderstand or be deceived, in violation of Wis. Admin. Code § CHI 6.02(15)(e).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Randall W. Nodorft, D.C., is hereby REPRIMANDED for the conduct set out above.
2. Respondent shall provide all patients, with whom the 3DactiveTrac or other similar device is used, a written disclosure which shall be preapproved by the Board's designee, and which includes the following statement:

The [device name] is a vertebral decompression device which has been cleared for marketing by the FDA for temporary relief of pain. The [device name] has not been approved by the FDA. The FDA has never tested the efficacy or safety of the [device name], nor is there any scientific basis for a representative likelihood of successful treatment by this device or a similar device.
3. The license of the Respondent is hereby LIMITED as follows:
 - a. Respondent shall, within 90 days of the date of this Order, schedule and successfully complete and pass a one hour essay examination on Wisconsin Chiropractic Regulations at the Department coordinated with the prosecuting attorney assigned to this case.
 - b. Upon successful completion and passing of the Wisconsin Chiropractic Regulation Exam and payment of costs, the Limitations shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license.
4. Respondent shall pay the Department's COSTS of this matter in the amount of TWO HUNDRED FIFTY DOLLARS (\$250.00).
5. Payment of the COSTS shall be submitted within thirty days from the date of the order payment shall be made payable to the Wisconsin Department of Regulation and Licensing and sent to the Department Monitor at the address referenced in paragraph 6 below.

6. Payment of costs shall be mailed, faxed or delivered by the Respondent to the Department Monitor at this address:

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

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license to practice in the state of Wisconsin. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to comply with payment of costs, and passing of the exam, Respondent's license to practice in the state of Wisconsin may, in the discretion of the Board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with all the terms and conditions of this Order.

Wisconsin Chiropractic Examining Board

By:



A Member of the Board

3/17/14

Date