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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

FINAL DECISION AND ORDER

RICHARD D. ZAHORIK, D.C.,
RESPONDENT.

ORDER 0000731

Division of Enforcement Case #09 CHI 020

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

Richard D. Zahorik, D.C.
4166 N. Oakland Ave.
Shorewood, WI 53211

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

Chiropractic Examining Board
Department of Regulation and Licensing
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708

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. Richard D. Zahorik, D.C., ("Respondent") was born on October 14, 1955, and is licensed as a chiropractor in the state of Wisconsin (License No. 3349-12). This license was granted on March 14, 1996.

2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is 4166 N. Oakland Ave., Shorewood, WI 53211.

3. At all times relevant to this proceeding, Respondent was working as a chiropractor at Zahorik Family Chiropractor in Shorewood, Wisconsin.
4. Each person licensed to practice as a chiropractor in Wisconsin is required to keep patient records and maintain them with every patient they consult, examine, or treat.
5. From July 23, 2007 through April 25, 2008, Respondent had been treating a patient ("L.W.") for numerous physical complaints, including consequences of an automobile accident.
6. During L.W.'s chiropractic treatment, Respondent's record keeping was below minimum standards, specifically, L.W. was billed for ultrasound treatments, CPT code 97035, when there were no treatment notes by Respondent documenting the provision of ultrasound treatments.
7. Respondent's billing shows the misuse of CPT codes 97110 and 97530, which are both timed codes for exercises. Respondent failed to note what body part was worked on and what was done to that body part. Respondent asserts that he did not know that CPT codes 97110 and 97530 could not be billed together.

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 conduct described in paragraphs 5-7 above, constitutes a violation of Wis. Adm. Code § CHI 6.02(3) and 6.02(14), and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03.

ORDER

NOW, THEREFORE IT IS HEREBY ORDERED that:

1. Richard D. Zahorik, D.C. (License No. 3349-12) is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent's license to practice as a chiropractor in the State of Wisconsin is LIMITED by the condition that, within nine (9) months of the date of this Order, Respondent shall successfully complete a minimum of four (4) hours of continuing education in the area of record keeping, four (4) hours of continuing education in the area of medical coding, and four (4) hours of continuing education in the area of proper treatment programs. The course(s) attended

in satisfaction of this requirement may not be used to satisfy the statutory continuing education requirements for licensure.

3. Respondent shall locate the course(s) required by this Order, provide adequate course descriptions to the Department Monitor, and obtain pre-approval of the courses from the Wisconsin Chiropractic Examining Board, or its designee, prior to taking the courses. For the purposes of this Order, the Board's designee is the Department Monitor:

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

4. Within thirty (30) days following completion of the course(s) described in this Order, Respondent shall file with the Department Monitor certifications from the sponsoring organization(s) verifying his attendance at the required courses.

5. All costs of the educational programs shall be the responsibility of the Respondent. Respondent is responsible for all costs of compliance.

6. Upon successful completion of the educational programs, submission of the approval of the records and payment of the costs set forth below, Respondent's license to practice as a chiropractor shall be restored to unlimited status.

7. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of NINE HUNDRED FIFTY DOLLARS (\$950.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

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

8. 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. 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 timely submit payment of the costs or fails to comply with the ordered continuing education as set forth above, the Respondent's license (#3349-12)

may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the payment of the costs or completion of the continuing education.

9. This Order is effective on the date of its signing.

CHIROPRACTIC EXAMINING BOARD

By: _____

A Member of the Board

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Date