

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST

ORDER 0000734

JOSHUA J. HEIMERL, D.C.,
RESPONDENT.

[Division of Enforcement Case # 10 CHI 022]

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

Joshua J. Heimerl, D.C.
1632 N. 18th Street
Manitowoc, WI 54220

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
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 the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Joshua J. Heimerl, D.C. ("Respondent") date of birth December 18, 1974, is a duly licensed chiropractor in the state of Wisconsin (license no. 3749-12). This license was first granted on April 10, 2001.

2. Respondent's most recent address on file with the Chiropractic Examining Board is 1632 N. 18th Street, Manitowoc, Wisconsin 54220.

3. At all times relevant to this action, Respondent was working as a chiropractor at The Lakeshore's Pain and Wellness Center, located in Manitowoc, Wisconsin.

4. Respondent published an advertisement in the 2010 Manitowoc AT&T telephone book yellow pages, page 46, advertising that he is a "a Diplomate of the American Academy of Pain Management. Only 1 or 2 in Wisconsin."

5. In 2003, Respondent received a certificate from the American Academy of Pain Management (AAPM) granting him the credential of "Diplomate." According to its website, the AAPM is a "Membership organization ... providing an online forum for patients and professionals to share insights into the management of pain." The requirements for the credential of Diplomate from the AAPM include:

- Current licensure to practice, if applicable.
- 100 credit hours of professional education, with 50 credits related to pain or pain management within a four-year time frame.
- Commitment to the AAPM's Code of Ethics and Patient's Bill of Rights.
- Good standing with regulatory agencies and professional organizations.
- Payment of an annual membership fee and re-credentialing fee every 4 years.

6. In the chiropractic profession, the term "diplomate" refers to a chiropractor who has been granted a diploma or certificate earned by advanced training and examination by a professional board for certification in a specialty area of practice.

7. The Respondent's advertisement of the credential of "Diplomate of the American Academy of Pain Management" is misleadingly similar in name to the credential of "Diplomate of Pain Management" which is granted by the American Board of Pain Medicine, which requires specialty board certification and may be granted to physicians.

8. The credential of Diplomate granted by the American Academy of Pain Management is not a diploma or certificate earned by a health professional through advanced training and examination by a professional board for certification in a specialty area of practice.

9. The credential of Diplomate granted by the American Academy of Pain Management does not require the completion of postgraduate training in one, unified program approved by the American Chiropractic Association (ACA) or the International Chiropractic Association (ICA), or through a college accredited by the Council on Chiropractic Education and

approved by the Wisconsin Chiropractic Board; nor does it require the successful completion of a written examination.

10. The credential of Diplomate granted by the American Academy of Pain Management is not recognized by the ACA or ICA; does not require the completion of 300 hours of postgraduate credits hours and a written exam approved by the ACA or ICA; nor is it the same as any title applied by the ICA or ACA.

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. Respondent's conduct, as set forth above, constitutes a violation of Wis. Admin. Code § Chir 6.02(15)(f) and (g).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent, Joshua J. Heimerl, D.C. (license #3749-12), is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. 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.

3. Respondent shall pay the Department's COSTS of this matter in the amount of FIVE HUNDRED FIFTY DOLLARS (\$550.00).

4. 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 5 below.

5. 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.

This Order shall become effective on the date of its signing.

WISCONSIN CHIROPRACTIC EXAMINING BOARD

By:



A Member of the Board

Date

3/17/11