

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION
PETER BAEHR, D.C.,	:	AND ORDER
RESPONDENT.	:	
	:	ORDER 0001031

[Cases: 06CHI055, 06CHI056, 06CHI057, 06CHI058, 06CHI061, 06CHI063 & 06CHI064]

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

Peter Baehr, D.C.
391 W. Johnson Avenue
Fond du Lac, WI 54935

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

Chiropractic Examining Board
Department of Regulation & Licensing
P.O. Box 8935
Madison, WI 53708-8935

On November 30, 2006, the Board issued an Interim Order, which placed limitations on Respondent's license. The order has remained in effect to the present. The parties in this matter agree to the terms and conditions of the attached Stipulation as final decision of these matters, subject to the approval of the Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Peter Baehr, D.C., Respondent, date of birth December 3, 1957, is licensed by the Wisconsin Chiropractic Examining Board to practice chiropractic in the state of Wisconsin, pursuant to license number 1751, which was first granted July 17, 1982. Since November 30, 2006, Respondent's license has been limited.
2. Respondent's last address reported to the Department of Regulation and Licensing (Department) is 391 W. Johnson Avenue, Fond du Lac, WI 54935. This is the location of his professional office.

3. From the time Respondent was licensed in 1982, until October 2006, when the first of these investigations was opened, no complaint of any kind had been alleged against the Respondent.

4. Between October 12, and November 6, 2006, the Board and the Division of Enforcement (DOE) received complaints from several female patients of Respondent alleging inappropriate touching in the breast area. They did not describe the touching as sexual, stroking or an attempt to stimulate them.

5. Respondent and DOE entered into an agreement for an Interim Order which would limit Respondent's license. On November 30, 2006, the Board accepted the agreement and issued an Interim Order which limited Respondent's license as follows:

The license of Peter Baehr, to practice chiropractic in the State of Wisconsin is hereby LIMITED. In providing chiropractic services to female patients, Dr. Baehr shall:

- a. Not touch the breast of a female patient for any reason.
- b. Have an observer in the examination or treatment room at all times he is in the presence of a female patient for a purpose which will require touching the patient.
- c. Prior to serving as an observer each person shall have been provided with and read a copy of this document.
- d. At the conclusion of Dr. Baehr's evaluation or treatment of a female patient, the observer shall legibly sign a dated form confirming that the observer was in the room the entire time Dr. Baehr was with the patient. The form shall be placed and kept in the patient's chiropractic record.
- e. Before receiving chiropractic services for the first time after the date of this Order, each female patient shall read, or be read, a copy of this Order and shall sign a dated statement confirming this has occurred. The form shall be placed and kept in the patient's chiropractic record.

6. Four of the same complainants also made the same allegations to the police. On September 14, 2007, Respondent pleaded to four counts of disorderly conduct, and has duly served all conditions imposed as a result of his conviction.

7. No new complaints have been alleged against the Respondent or received by the Department since 2006. On April 19, 2011, the Department contacted the Fond du Lac Police Department who reported no additional complaints of any kind regarding Respondent.

CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic 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 by having been convicted of four counts of disorderly conduct has been convicted of crimes substantially related to the practice of chiropractic, which is unprofessional conduct as defined by Wis. Admin. Code § Chi 6.02(24) and which subjects him to discipline pursuant to Wis. Stat. § 446.03(3).

ORDER

1. Peter Baehr, D.C. is hereby REPRIMANDED.

2. The license of Peter Baehr, to practice chiropractic in the State of Wisconsin is hereby LIMITED, as follows:

- a. Respondent shall not touch the breast of a female patient for any reason.
- b. Respondent shall advise all female patients that there shall be an observer in the examination or treatment room at all times he is touching the patient, unless the patient requests that there not be an observer.
- c. If a female patient requests that no observer be present while Respondent is touching her, it shall be written and signed by the patient. That document shall be maintained in the patient's health care record.
- d. If a female patient does not decline the observer, at the conclusion of the evaluation or treatment, the observer shall legibly sign and date a written confirmation that the observer was in the room the entire time Respondent was examining, treating or otherwise touching the patient. The confirmation shall be maintained in the patient's health care record.

3. Respondent may petition the Board to have these limitations modified or ended and shall provide evidence sufficient to the Board that the limitations are no longer necessary for the safety of patients. Whether to grant a petition shall be in the discretion of the Board.

4. The Respondent shall be subject to random audits by the Department, without prior notice to Respondent or his attorneys, for compliance with this Order, so long as the limitations remain in effect.

5. Respondent shall, within 180 days of the date of this Order, pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$1,850.00 pursuant to Wis. Stat. § 440.22(2). All payments, petitions and evidence shall be mailed, faxed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

Fax (608) 266-2264
Telephone (608) 267-3817

6. 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 as ordered, the Respondent's license may, in the discretion of the board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with payment of the costs.

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

Wisconsin Chiropractic Examining Board

By:



A Member of the Board

8/11/11

Date