

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES SCHIAVO, D.C.,
RESPONDENT.

:

:

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ORDER 0001034

Order _____

[Division of Enforcement Case # 09 CHI 028]

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

James Schiavo, D.C.
162 Northbreeze Road
Appleton, WI 54911

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. James Schiavo, D.C., Respondent, (DOB December 24, 1952) was licensed as a chiropractor in the State of Wisconsin (license # 2607-012), with the license first granted on July 12, 1990. His license was expired between January 2, 2009 and July 23, 2009 and December 20, 2010 to January 14, 2011.

2. Respondent's most recent address on file with the Department of Regulation and Licensing (Department) is 162 Northbreeze Road, Appleton, WI 54911.

3. An investigation by the Department revealed that Respondent's license was expired between January 2, 2009 and July 23, 2009, due to his failure to pay his license renewal fee.

4. Respondent provided chiropractic services to patients during this expired period. On July 23, 2009, Respondent paid his license renewal fee and his license was restored to active status.

5. On December 20, 2010, Respondent failed to provide the Department with evidence of completion of eight hours of approved continuing education and approved cardiopulmonary resuscitation (CPR) and automated external defibrillation (AED) training which was required for renewal of his license.

6. Upon notification of the expired status of his license by the Department, Respondent completed the required credits and education. His license was reinstated to active status effective on January 14, 2011. Respondent provided chiropractic services to patients during this second expired period.

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 has violated Wis. Stat. § 446.02(1)(a) by engaging in the practice of chiropractic without being licensed by the Chiropractic Examining Board as described above.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, James Schiavo, D.C., is hereby **SUSPENDED** for a period of **ONE MONTH** from the date of this Order. During the period of suspension, Respondent is prohibited from providing chiropractic services.

2. **Notification:** Within 30 days from the date of this Order, Respondent shall provide written notice, via certified mail, return receipt requested, to patients treated during the time Respondent's license was expired, and to Medicare and Medicaid, specifically detailing the periods of unlicensed practice. After all parties have been notified, and after all signed receipts have been received by the Respondent, no later than 90 days from the date of this Order, Respondent shall then prepare a sworn affidavit attesting that he notified each party in writing, and attaching copies of the signed returned receipt for each party so notified. This affidavit shall be provided to the Department Monitor at the address in paragraph 5 below.

3. **Continuing Education:** Within ninety days from the date of this Order, Respondent shall provide evidence of successful completion of **thirty two (32) credits** authorized by the Wisconsin Chiropractic Examining Board (four times the amount of credits which Respondent failed to report in December, 2010) which shall **NOT** count towards any current or future biennium requirement for licensure. Proof of compliance with this paragraph must be provided to the Department Monitor at the address in paragraph 5 below.


4. **Costs:** Within one year from the date of the Order, Respondent shall pay the Department's COSTS of this matter in the amount of ELEVEN HUNDRED FIFTY DOLLARS (\$1,150.00). 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. All evidence of compliance and payments 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

Wisconsin Chiropractic Examining Board

By:


A Member of the Board

8/11/11
Date