

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 AND ORDER
JAMES CHARLES KOLBECK, D.C., :
RESPONDENT. :

ORDER 0001148

[Division of Enforcement Case #09 CHI 041]

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

James Charles Kolbeck, D.C.
W197 N10219 Appleton Avenue
Germantown, WI 53022

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Chiropractic Examining Board
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

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 (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 Charles Kolbeck, D.C. ("Respondent"), was born on January 9, 1968, and is licensed to practice as a chiropractor in the State of Wisconsin (license #3579-12). This license was first granted on March 11, 1999.
2. Respondent's most recent address on file with the Chiropractic Examining Board is W197 N10219 Appleton Avenue, Germantown, Wisconsin.

3. At all times relevant to this proceeding, Respondent worked as a chiropractor at his own clinic, Chiropractic Wellness Center, located in Germantown, Wisconsin.

4. On January 2, 2009, the status of Respondent's chiropractic license changed from "active" to "expired".

5. On July 15, 2010, Respondent renewed his license and the status of his license changed from "expired" to "active" on July 16, 2010.

6. During the period between January 2, 2009 and July 16, 2010, Respondent continued to practice chiropractic without an active license.

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 above violated Wis. Stat. § 446.02(1) which constitutes unprofessional conduct pursuant to Wis. Admin. Code § Chir 6.02(25) and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. James Charles Kolbeck, D.C. (license #3579-12), is REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Within 90 days of the date of this Order, Respondent shall provide all patients who presented on and between January 2, 2009 and July 16, 2010, Medicare, and Medicaid a written disclosure, sent certified mail, return receipt requested. The written disclosure shall first be mailed to the Department Monitor to be pre-approved by the Board or its designee, and shall include the following statement:

From January 2, 2009 to July 16, 2010, I practiced chiropractic with a license that had expired. The lapse was inadvertent, and my license has since been renewed on July 16, 2010.

3. Within 180 days of the date of this Order, Respondent shall provide an affidavit to the Department Monitor, of Respondent's satisfactory notification to patients, Medicare and Medicaid. The Respondent shall list, within the affidavit, the names of all who were notified.

4. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of FIVE HUNDRED DOLLARS (\$500.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

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

5. 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 comply with the notification requirements, or timely submit payment of the costs or affidavit evidencing satisfactory completion of notification requirements, the Respondent's license (#3579-12) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has paid costs and submitted evidence of satisfactory compliance of the written disclosure.

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

Wisconsin Chiropractic Examining Board

By: 

A Member of the Board

10/6/11
Date