

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
WANDA J. ERDMAN, D.C. :
RESPONDENT. :
 :
 :

ORDER 0001150

[Division of Enforcement Case #10 CHI 035]

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

Wanda J. Erdman, D.C.
409 N. Lake Avenue
Crandon, WI 54520

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

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

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. Wanda J. Erdman, D.C., (“Respondent”) was born on January 8, 1961, and is licensed by the Wisconsin Chiropractic Board as a Chiropractor pursuant to license number 2489-12. This license was first granted December 14, 1989.

2. Respondent's most recent address on file with the Wisconsin Chiropractic Examining Board is 409 N. Lake Avenue, Crandon, WI 54520.

3. Patient, "D.D." is a female born on January 31, 1970. In November of 2009, D.D. was injured at work and was referred to a chiropractor. D.D. first saw Respondent on December 16, 2009.

4. D.D. signed authorizations with both the workers compensation carrier and the Respondent to release medical records and billing upon request.

5. D.D. and the workers compensation carrier tried to obtain medical records and billing from the Respondent's office between December of 2009 and January of 2011. The workers compensation carrier did not receive the records until January of 2011.

6. On July 20, 2010 and August 23, 2010, the Wisconsin Department of Regulation and Licensing, Division of Enforcement, sent letters to the Respondent requesting a certified copy of all medical records and billing for D.D. The records were not received by the Department until January of 2011.

7. On October 29, 2010, the Forest County Sheriff served the Department's subpoena duces Tecum on Respondent requiring her to appear at the Department of Regulation and Licensing on November 22, 2010 with her records of patient D.D.

8. Respondent failed to respond to the Department's subpoena until January of 2011 when D.D.'s records were sent.

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 failure to release medical records and bills in a timely fashion, as described above, is unprofessional conduct and a violation of Wis. Admin Code § Chir 6.02(28).

3. Respondent's failure to release patient requested medical records and bills in a timely fashion, as described above, is a violation of Wis. Stat. § 146.83(1f)(a).

4. Respondent's failure to respond to the Department's subpoena and failure to appear as required by the subpoena, as described above, is unprofessional conduct and a violation of Wis. Admin. Code § Chir 6.02(19).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Respondent, Wanda J. Erdman, D.C., is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. The license of Wanda J. Erdman, D.C., is LIMITED for a period of twelve (12) months beginning on the date this Order is signed by the Board, by the following conditions:

- a. Within sixty (60) days of the effective date of this Order, Dr. Erdman shall engage the services of a chiropractor who shall be preapproved by the Board to serve as a Monitor to oversee the receipt and processing of record requests for her chiropractic practice for twelve (12) months under this Order.

(1) The Monitor shall submit a letter on a quarterly basis to the Board confirming that he/she is overseeing the receipt and processing of records.

(2) The letter from the Monitor must confirm that the Monitor:

- (a) is aware that Dr. Erdman's license to practice chiropractic care is contingent on the Monitor overseeing practices and procedures utilized by the Respondent for responding to requests for patient and billing. This practice must be acceptable to the Board;
- (b) on a quarterly basis, the Monitor shall immediately report in writing to the Board his/her findings with regard to the adequacy of Respondent's practices addressing patients, insurance company and any other entity requests for patient medical records and billing records in compliance with the requirements of Wis. Admin. Code sec. Chir 6.02 (28).

- b. Dr. Erdman shall submit the names of nominees for the Monitor to the Department Monitor for approval by the Board.
 - c. Respondent shall be responsible for all costs incurred by the Monitor and shall ensure timely payment of any bills submitted to her by the Monitor within thirty (30) days, unless Respondent has a good faith dispute as to the amounts billed.
3. If the Order is complied with, Dr. Erdman's license will be fully reinstated.

4. Respondent shall, within one hundred and eighty (180) days from the date of this Order, pay the costs of this proceeding in the amount of TWO THOUSAND FIVE HUNDRED (\$2,500.00). All payments 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
Tel. (608)267-3817
Fax (608) 266-2264

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

WISCONSIN CHIROPRACTIC EXAMINING BOARD

By:


A Member of the Board

10/6/11
Date