

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(S).

: ORDER SUSPENDING
: LICENSE
:
: CASE NO. 09 CHI 028
: ORDER 00001034

TO: James Schiavo, D.C.
2308 Nordale Dr.
Appleton, WI 54914

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

Department Monitor
Division of Enforcement
Department of Safety & Professional Services
1400 East Washington Avenue
Madison, Wisconsin 53703

PROCEDURAL HISTORY

On August 11, 2011, the Chiropractic Examining Board (Board) issued an order suspending Respondent's license (# 2607-12) for 30 days. The Board required Respondent to: within 30 days of the date of the Order, provide notification to certain patients and to Medicare and Medicaid; within 90 days, submit a sworn affidavit attesting that he had completed the notification portion of the Order; also within 90 days, complete specified continuing education and provide proof of completion to the Board; and within one year, pay costs in the amount of \$1,500.00.

Pursuant to a request by the Division of Enforcement Department Monitor, the Board reviewed this matter at its January 26, 2012 meeting. Based upon the record presented, the Board makes the following:

FINDINGS OF FACT

1. As of the Board's January 26, 2012 meeting date, no submissions from Respondent had been received, contrary to the requirements set forth in the Board's August 11, 2011 Order.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to §§ 15.08 (5) (b) and (c), 446.03 (5), and 446.04 of the Wisconsin Statutes.
2. Based on its review of the record in this case and the Findings outlined above, the Board concludes that the Respondent is in violation of the August 11, 2011 Order.
3. Respondent's failure to comply with the terms of the Board's August 11, 2011 Order constitutes unprofessional conduct under §§ Chir 6.02 (1) and Chir 6.02 (25) of the Wisconsin Administrative Code.

4. Respondent's prior record of non-compliance with chiropractic licensing law and his current failure to comply with the terms and conditions of the August 11, 2011 Order constitute conduct imperiling the public health, safety, and welfare, and in the interest of the same, a suspension of his license is warranted.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Respondent's license is SUSPENDED effective immediately for an indefinite period of time.

IT IS FURTHER ORDERED that Respondent shall personally appear before the Board in conjunction with any request to lift or stay the suspension.

This order is effective as of January 30, 2012.

Wisconsin Chiropractic Examining Board

By: /s/ James Koshick
Member of the Board

Date: Feb. 7, 2012