

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
GARY W. HUTCHINSON, D.C.,	:	
RESPONDENT.	:	ORDER 0001451

[Division of Enforcement Case #10 CHI 055]

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

Gary W. Hutchinson, D.C.
101 Kings Lynn Road
Stoughton, WI 53589

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. Gary W. Hutchinson, D.C., ("Respondent") was born on October 2, 1954 and is licensed to practice as a chiropractor in the State of Wisconsin (license #2283-12). This license was first granted on December 10, 1987.

2. Respondent's most recent address on file with the Chiropractic Examining Board is 101 Kings Lynn Road, Stoughton, Wisconsin.

3. At all times relevant to this proceeding, Respondent was working as a chiropractor at Stoughton Chiropractic, located in Stoughton, Wisconsin.

4. From February 3, 2006 to March 3, 2011, Respondent provided chiropractic adjustments to Patient C.H., a male born on April 4, 2005.

5. Respondent has no record of informed consent for Patient C.H. from his parent or guardian for examination, evaluation or treatment.

6. Respondent has no record of his rationale for providing diagnostic testing, treatment or other ancillary services for Patient C.H.

7. Respondent has no record of identifying significant, relevant patient health risk factors for Patient C.H.

8. Respondent has no record of initial patient presentation factors applicable to the evaluation and treatment of Patient C.H.

9. Respondent has no recollection of the initial reason for concern that brought Patient C.H. to him for chiropractic care.

10. On December 21, 2010, Respondent signed a Family and Medical Leave – Employee Request/Certification of Health Provider for Family Member’s Serious Health Condition form for Patient C.H.’s mother.

11. By signing the form, Respondent represented that he was the healthcare professional who authorized the administration of certain medication to Patient C.H. and required the patient’s mother to leave work at designated times in order to administer the medication.

12. Respondent admitted that he was not the treating healthcare professional who prescribed the specific medication and that he did not review the information in the form before signing it, which authenticated Patient C.H.’s condition and the patient’s mother’s need to leave work.

13. Respondent was aware that he falsified patient records by signing his name to the form.

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 in paragraphs 5-8 constitutes unprofessional conduct as defined by Wis. Admin. Code §§ Chir 6.02(25), 11.02(5-7) and 11.03 and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

3. The conduct described above in paragraphs 10-13 constitutes unprofessional conduct as defined by Wis. Admin. Code § Chir 6.02(12) and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Gary W. Hutchinson, D.C., (license #2283-12), is **SUSPENDED** for a period of thirty (30) days. This period of suspension shall start thirty days from the date of this Order. During this period of suspension, Respondent is prohibited from providing chiropractic services.

IT IS FURTHER ORDERED that:

2. Within 90 days of the date of this Order, Respondent shall locate and successfully complete a minimum of twelve (12) hours of education in record keeping.

- a. Respondent shall locate and have the Board or its designee pre-approve each educational program prior to Respondent completing it. Requests for approval of education shall be submitted to the Department Monitor at the address below.
- b. Within 30 days after Respondent has completed the educational programs, Respondent shall submit to the Department Monitor proof of his attendance and that he has successfully completed the educational programs.
- c. Respondent cannot apply these hours of education to the biennial continuing education requirements.
- d. The record keeping courses may be provided by approved chiropractic or medical colleges.
- e. Proof of successful completion shall be submitted to the Department Monitor at the address below.
- f. Respondent is responsible for all costs of compliance with this Order.

3. Respondent's license to practice chiropractic is LIMITED by the following conditions:

- a. For at least two (2) years from the date of this Order, Respondent shall comply with monitoring by a Mentor approved by the Board or its designee.

- b. Respondent is responsible for obtaining a Mentor acceptable to the Board. The Mentor shall have no prior or current business, personal relationship or other relationship with Respondent that could reasonably be expected to compromise the ability of the Mentor to render fair and unbiased reports to the Board (including but not limited to any bartering relationship, mutual referral of patients, etc.). The Mentor shall be actively practicing in Chiropractic, hold a valid Wisconsin license in Chiropractic, and shall have read this Final Decision and Order and agree to be Respondent's Mentor.
- c. Respondent shall arrange for the Mentor to provide formal written reports to the Board on a quarterly basis, as directed by the Department Monitor. Respondent's Mentor shall immediately report to the Board any conduct or condition of the Respondent that may constitute unprofessional conduct, a violation of this Order, or a danger to the public or patient. All reports shall be submitted to the Department Monitor at the address below. Respondent shall be responsible for the timely submission of reports.
- d. After two years from the date of appointment of a mentor, Respondent may apply to the Board to have the Limitation lifted.
- e. Requests for removal of the Limitation shall be submitted to the Department Monitor at the address below.

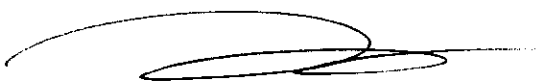
4. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of ONE THOUSAND ONE HUNDRED FIFTY DOLLARS (\$1,150.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

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 provide evidence of satisfactory completion of education or pay the costs as set forth above in a timely matter, the Respondent's license (#2283-12) 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 completion of the education.

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

Wisconsin Chiropractic Examining Board

By: 
A member of the Board

3/29/12
Date