

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

DANNY B. FUTCH, D.C.,
RESPONDENT.

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:
:
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:

FINAL DECISION AND ORDER

ORDER 0001452

[Division of Enforcement Case #11 CHI 016]

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

Danny B. Futch, D.C.
P.O. Box 652
Sauk City, WI 53583

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

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 that attached Stipulation and makes the following:

FINDINGS OF FACT

1. Danny B. Futch, D.C., ("Respondent") was born on March 30, 1956 and is licensed as a chiropractor in the State of Wisconsin (license #2369-12). This license was first granted on December 1, 1988.

2. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is P.O. Box 652, Sauk City, WI 53583.

3. In November and December 2010, Respondent fully complied with a Wisconsin Department of Regulation and Licensing (Wisconsin Department of Safety and Professional Services as of July 1, 2011) Continuing Education audit and attempted to renew his Wisconsin chiropractic license. At all times, it was Respondent's understanding that his licensing renewal requirements had been fully complied with and that his license remained in active status.

4. On May 23, 2011, the Department determined that Respondent's license had inadvertently expired on December 14, 2010, unknowingly to the Respondent.

5. The Department did not provide Respondent with notification of his unlicensed status at any time prior to May 23, 2011.

6. Immediately upon notification by the Department of his unlicensed status, Respondent canceled all appointments, provided proof of his timely completion of CPR/AED certification and United States citizenship, and paid the license renewal fee. Respondent's license was immediately restored to active status on May 23, 2011.

7. At all times during this unlicensed period, Respondent was in technical compliance with the Department's licensing requirements and had successfully and timely completed the CPR/AED certification program and 40 hours of Board-approved continuing education courses.

8. This is Respondent's first incident of unlicensed practice.

9. Respondent has, to the Department's satisfaction, provided the Department with copies of written notice to Medicare and Medicaid, patients treated during the time Respondent's license was expired, and to attorney(s) for whom Respondent provided expert witness services during the time Respondent's license was expired specifically detailing the period of unlicensed practice. The Department agrees to maintain any and all patient information provided to the Department by the Respondent in this matter strictly confidential.

CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining Board has jurisdiction 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 that:

1. Respondent, Danny B. Futch, D.C., is REPRIMANDED.

2. Within ninety (90) days from the date of this Order, Respondent shall pay the Department costs of this matter in the amount of TWO HUNDRED DOLLARS (\$200.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at:

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

3. 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 pay the costs as set forth above in a timely matter, the Respondent's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has paid costs.

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

Chiropractic Examining Board

By:


A member of the Board

3/29/12
Date