

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

RUSSELL M. SHERBONDY, D.C.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0002014

[Division of Enforcement Case #11 CHI 038]

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

Russell M. Sherbondy, D.C.
W220 S2041 Springdale Rd.
Waukesha, WI 53186

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. Russell M. Sherbondy, D.C., ("Respondent") was born on May 30, 1962 and is licensed as a chiropractor in the State of Wisconsin (license #2391-12). This license was first granted on December 1, 1988 and is current through December 14, 2012.

2. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is W220 S2041 Springdale Road, Waukesha, Wisconsin.

3. From 1997 to June 2010, Respondent practiced chiropractic in the first floor of a mixed use property he owned. Starting in April 2010, Respondent attempted to sell the property in order to purchase a home. Due to financial constraints, Respondent did not employ a realtor in the two real estate transactions.

4. In June 2010, Respondent sold the mixed use property and began to rent a room from the buyer of his property for use as his chiropractic clinic.

5. In September 2010, Respondent's lease was unexpectedly terminated five months early. Between October 2010 and June 2011, Respondent moved his practice twice, finally settling in West Allis, Wisconsin.

6. As a result of these events, Respondent failed to complete his continuing education requirement and timely renew his chiropractic license.

7. On December 20, 2010, the status of Respondent's chiropractic license changed from "active" to "expired."

8. In June 2011, Respondent realized he had failed to complete the education and renew his license. Due to education availability constraints and financial hardship resulting from the real estate transactions, the subsequent relocations of his practice and insurance company payment errors due to his practice relocations, Respondent did not complete the required continuing education until November 2011.

9. On November 4, 2011, Respondent completed his renewal process and the status of his license was changed "active."

10. During this period of expired status, Respondent continued to practice chiropractic without an active license.

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, which subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Russell M. Sherbondy, D.C., (license #2391-12) is **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondent's license is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall locate and successfully complete a minimum of **eight (8) hours** of Board-approved education in any area of chiropractic.
 - b. Within thirty (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. This limitation shall be removed from Respondent's license after he has satisfied the Board or its designee that he has successfully completed all of the ordered education.
 - e. Respondent is responsible for all costs of compliance with this Order.
3. Respondent's license to practice chiropractic is LIMITED as follows:
 - a. Within thirty (30) days from the date of this Order, Respondent shall provide written notice, via certified mail, return receipt requested, to Medicare and Medicaid, specifically detailing the periods of unlicensed practice.
 - b. After all parties have been notified, and after all signed receipts have been received by the Respondent, no later than ninety (90) days from the date of this Order, Respondent shall prepare a sworn affidavit attesting that he notified each party in writing and attach copies of the signed returned receipt for each party so notified.
 - c. This affidavit shall be submitted to the Department Monitor at the address below.
4. Within ninety (90) days from the date of this Order, Respondent shall pay the Department costs of this matter in the amount of FIVE HUNDRED DOLLARS (\$500.00).

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

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 timely submit proof of successful completion of the education, proof of compliance with notification requirements, an affidavit attesting completion of notification requirements or payment of the costs, as set forth above, Respondent's license (#2391-12) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has paid costs and submitted proof of successful completion of the ordered education, proof of compliance with notification requirements and an affidavit attesting the completion of notification requirements.

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

Wisconsin Chiropractic Examining Board

By: 
A member of the Board

8/23/12
Date