

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

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STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JAMES W APPEL, D.C.  
RESPONDENT.

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FINAL DECISION AND ORDER

0002570

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 CHI 035

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

James W. Appel, D.C.  
2863 S Prairie View Rd., Ste # 1  
Chippewa Falls, WI 54729

Wisconsin Chiropractic Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
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 disposition of this matter, subject to the approval of the Chiropractic Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent James W. Appel, D.C. (dob November 27, 1955), is licensed in the State of Wisconsin to practice chiropractic, having license number 1514-12, first issued on December 3, 1979 and current through December 14, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2863 S Prairie View Road, Suite # 1, Chippewa Falls, WI 54729.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

3. In approximately April 2011, Respondent diagnosed plantar fascial fibromatosis in three patients without conducting or documenting appropriate examinations before making the diagnosis. The diagnoses were based on foot scans administered by Respondent's employee, outside of Respondent's presence. The patients were the family of one of Respondent's employees.

4. Respondent incorrectly billed for the services.

5. Respondent did not adequately document the health care record as he addressed only the patient's subjective report.

6. Respondent has been fully cooperative with the Board's investigation.

#### 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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described above, Respondent violated Wis. Admin. Code § 6.02(9) by failing to conduct a competent assessment, evaluation or diagnosis as a basis for treatment.

3. By the conduct described above, Respondent violated Wis. Admin. Code § 6.02(14) by obtaining compensation for chiropractic services by fraud.

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 446.03(5).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent James W. Appel, D.C. is REPRIMANDED.

3. The license to practice chiropractic issued to James W. Appel, D.C. (license number 1514-12) is LIMITED as follows:

a. Within 30 days of the date of this Order, Respondent shall return any payment he received for the services identified in paragraph 3. Within two weeks of returning the payment, Respondent shall provide to the Board's liaison evidence that the funds were returned, to-wit: a copy of a receipt from the entity to whom repayment was made.

b. Within 120 days of the date of this Order, Respondent shall successfully complete 6 hours of education on patient health care/record keeping offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

c. Within 120 days of the date of this Order, Respondent shall successfully complete 6 hours of education on diagnosis offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

d. Within 120 days of the date of this Order, Respondent shall successfully complete 6 hours of education on proper billing or ethics, offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

e. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

f. This limitation shall be removed from Respondent's license and respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within 30 days from the date of this Order, James W. Appel, D.C. shall pay COSTS of this matter in the amount of \$266.00.

5. Proof of successful course completion and payment of costs made payable to the Wisconsin Department of Safety and Professional Services shall be sent by Respondent to the Department Monitor at the address below:

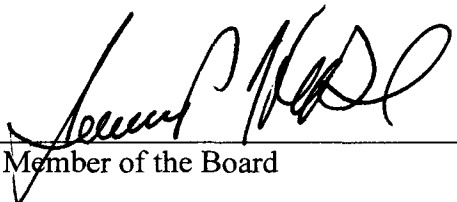
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

6. 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 payment of the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's

license (no. 1514-12) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and completion of the education.

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

WISCONSIN CHIROPRACTIC EXAMINING BOARD

by:   
A Member of the Board

8-15-13  
Date