

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

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/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AARON J. ARFSTROM, D.C.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

000257 ¹

Division of Legal Services and Compliance¹ Case No. 12 CHI 006

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

Aaron J. Arfstrom, D.C.
2823 London Road, # 2
Eau Claire, WI 54701

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 Aaron J. Arfstrom, D.C., (dob July 22, 1980) is licensed in the State of Wisconsin as a chiropractor, having license number 4504-12, first issued on June 15, 2009 and current through December 14, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2823 London Road, # 2, Eau Claire, Wisconsin 54701.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. On March 8, 2002, Respondent was convicted of operating a motor vehicle while intoxicated, a violation of Wis. Stats. §§ 346.63(1)(a) and 346.65(2)(am)(3).

3. On July 13, 2004, Respondent was convicted of operating a motor vehicle while intoxicated – 2nd offense, a violation of Wis. Stats. § 346.63(1)(a).

4. On September 14, 2004, Respondent underwent an Alcohol and Other Drug Abuse (AODA) assessment and was diagnosed with alcohol abuse. Respondent was referred to outpatient individual drug and alcohol therapy and an adult abstinence group.

5. On or about October 29, 2011, Respondent got into a parked vehicle that was left running with the keys in the ignition at a local convenience store. The vehicle also contained a female passenger (Passenger A) who had stayed in the passenger seat of the vehicle while the owner of the vehicle went into the convenience store. Respondent took the vehicle without the owner's consent and drove off with Passenger A still inside the vehicle.

6. Eau Claire Police Officers responded to the report of the stolen vehicle. Passenger A, who had been found and returned to the convenience store, reported that Respondent stole the car, drove recklessly, and refused to stop the car to let her exit until he parked the stolen vehicle in an apartment building parking lot. Passenger A provided information that led the police officers to Respondent and the stolen vehicle. Police officers administered a field sobriety test on Respondent, which Respondent failed. Police officers also conducted a Preliminary Breath Test (PBT) on Respondent with an estimated blood alcohol concentration reading of .218. Respondent was then taken to a local hospital for a blood draw where his Blood Alcohol Content (BAC) was determined to be .224. Respondent was subsequently arrested.

7. On December 27, 2011, Respondent underwent an AODA assessment and was diagnosed with alcohol abuse. Respondent was ordered to attend outpatient individual drug and alcohol therapy.

8. On or about February 7, 2012, Respondent pled guilty to operating a vehicle without owner's consent in violation of Wis. Stat. § 943.23(3m) and operating while intoxicated – 3rd offense in violation of Wis. Stat. § 346.63(1)(a). Respondent also entered into a deferred prosecution agreement for false imprisonment in violation of Wis. Stat. § 940.30 (Eau Claire County case number 2011CF733).

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

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 in the Findings of Fact, Respondent violated Wis. Admin. Code § Chir 6.02(24) by being convicted of a crime substantially related to the practice of chiropractic.

3. 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. The license of Respondent Aaron J. Arfstrom, D.C., (license no. 4504-12) to practice chiropractic in the State of Wisconsin is **SUSPENDED** for a period of 30 days, beginning 15 days from the date of this Order.

3. The license of Respondent Aaron J. Arfstrom, D.C., (license no. 4504-12) is **LIMITED** as follows:

a. Within 90 days of the date of this Order, Respondent must at his own expense, successfully complete eight (8) hours of education in ethics relating to chiropractic practice offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

b. Within 90 days of the date of this Order, Respondent must at his own expense, successfully take and pass the Chiropractic Jurisprudence Exam.

c. Respondent must submit proof of successful completion of the education and successful passing of the examinations in the form of verification from the institution providing the education and examinations to the Department Monitor at the address stated below.

d. 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.

e. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education and successfully passed the ordered examinations.

4. The license of Respondent Aaron J. Arfstrom, D.C., (license no. 4504-12) is further **LIMITED**, as follows:

a. Respondent shall enter into and successfully complete six months of drug and alcohol treatment with a treater acceptable to the Board or its designee (Treater) and attend AA/NA meetings. Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater.

- i. Respondent shall immediately provide Treater with a copy of this Final Decision and Order and all other subsequent orders.
 - ii. Treater shall be responsible for coordinating Respondent's rehabilitation and treatment as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor at the address listed below. If any Treater is unable or unwilling to serve as required by this Order, Respondent shall immediately seek approval of a successor Treater by the Board or its designee. Additionally, if the Board or its designee determines the Treater has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Respondent continue treatment and rehabilitation under the direction of another Treater.
 - iii. The drug and alcohol treatment shall include individual and/or group therapy sessions at a frequency to be determined by Treater.
 - iv. Respondent shall attend Narcotics Anonymous and/or Alcoholics Anonymous meetings or an equivalent program for recovering professionals, at the frequency recommended by Treater, but no less than one meeting per week. Attendance of Respondent at such meetings shall be verified and reported quarterly to Treater and the Department Monitor.
 - v. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor, until Respondent has successfully completed six months of drug and alcohol treatment as determined by the Board or its designee. The quarterly reports shall assess Respondent's progress in drug and alcohol treatment. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.
 - vi. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed six months of drug and alcohol treatment by Treater and attending AA/NA meetings.
- b. Respondent shall enroll, begin participation, and successfully complete a drug and alcohol monitoring program which is approved by the Department (Approved Program), in conjunction with and for the duration of the above limitation regarding his drug and alcohol treatment by Treater.

- i. At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program – including but not limited to any positive test for any controlled substance or alcohol - is a substantial violation of this Order. The requirements shall include: Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays; and (b) Production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
- ii. The Approved Program shall require the testing of specimens at a frequency of not less than 49 times per year. The board may adjust the frequency of testing on its own initiative at any time.
- iii. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, Respondent shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
- iv. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent to do any or all of the following: (a) submit additional specimens; (b) furnish any specimen in a directly witnessed manner; or (c) submit specimens on a more frequent basis.
- v. All confirmed positive test results shall be presumed to be valid. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
- vi. The Approved Program shall submit information, including but not limited to all confirmed positive test results, and quarterly reports to the Department Monitor at the address stated below.
- vii. If the Board or its designee determines the Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Respondent continue treatment and rehabilitation under the direction of another Approved Program.

- viii. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed six months of drug and alcohol treatment by Treater and that Respondent has successfully completed the Approved Program.

5. Respondent shall provide and keep on file with Treater and Approved Program, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Safety and Professional Services, Division of Legal Services and Compliance to obtain all specimen screen results and patient health care and treatment records and reports, and discuss the progress of Respondent's treatment and rehabilitation with Treater and treatment facilities and personnel, laboratories and collection sites. Copies of these releases shall be immediately filed with the Department Monitor.

6. Respondent shall abstain from all personal use of alcohol during the pendency of this Order.

7. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, Treater and the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor. Respondent shall report to Treater and the Department Monitor all prescription medications and drugs taken by Respondent. Reports must be received within 24 hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the prescription is filled or refilled, Respondent shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor at the address stated below.

8. Respondent shall abstain from all use of over-the-counter medications or other substances (including but not limited to natural substances such as poppy seeds) which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation. It is Respondent's responsibility to educate himself about the medications and substances which may violate this paragraph, and to avoid those medications and substances. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that he may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation, shall not be taken unless ordered by a physician and approved by Treater, in which case the drug must be reported as described above.

9. Respondent shall not practice chiropractic in any capacity unless Respondent is in full compliance with the rehabilitation and treatment programs as specified and approved under this Order. Respondent shall practice only in a work setting pre-approved by the Board or its designee. Respondent shall report to the Board any change of employment status, residence, address, or telephone number within five (5) days of the date of any change.

10. Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, mentoring and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

11. Respondent Aaron J. Arfstrom, D.C., is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent. Every three (3) months the Respondent shall notify the Department Monitor of the Respondent's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

12. Within 90 days from the date of this Order, Respondent Aaron J. Arfstrom, D.C., shall pay COSTS of this matter in the amount of \$3,750.00.

13. All required reports, including but not limited to: Prescriptions and over-the-counter drugs; Current releases pertaining to Treatment facilities and personnel, laboratories and collections sites; Quarterly reporting requirements; Any change of employment status, residence, address or telephone number; 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 Aaron J. Arfstrom, D.C., 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

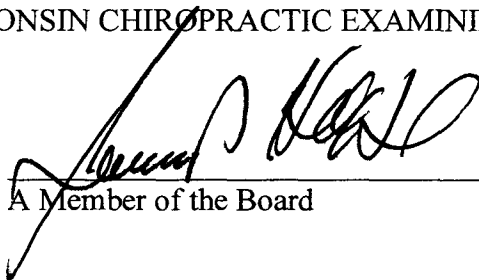
14. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to comply with the ordered education as set forth above, fails to comply with the ordered examinations as set forth above, fails to comply with the ordered treatment as set forth above, fails to comply with the ordered approved program as set forth above, fails to submit to alcohol and drug testing as set forth above, fails to submit any reports as

set forth above, fails to pay costs, or otherwise fails to comply with the above stated order, Respondent's license (no. 4504-12) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with all portions of the Order as set forth above.

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

WISCONSIN CHIROPRACTIC EXAMINING BOARD

by:


A Member of the Board

2-15-13
Date