

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

RAYMOND M. JANUSZ, D.C.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: **0003809**  
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Division of Legal Services and Compliance Case No. 13 CHI 010

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

Raymond M. Janusz, D.C.  
P.O. Box 670  
Brookfield, WI 53008-0670

Wisconsin Chiropractic Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

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 Raymond M. Janusz, D.C.,(dob October 25, 1962) is licensed in the state of Wisconsin to practice chiropractic, having license number 2411-12, first issued on February 23, 1989 and current through December 14, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Post Office Box 670, Brookfield, Wisconsin 53008-0670.

2. At all times relevant to this proceeding, Respondent was self-employed as a chiropractor in Milwaukee, Wisconsin. Respondent's wife was, and is, employed as the office manager at Respondent's chiropractic office.

Untimely release of patient records.

3. On April 4, 2013, Patient A's then-current chiropractor submitted to Respondent a written request for Patient A's health care records. Respondent did not comply or otherwise respond to the request.

4. On April 12, 2013, Patient A called Respondent's office and was told he and his office manager were out of the office due to a family emergency. The receptionist indicated she needed Respondent's approval to release the records.

5. Actually, on April 12, 2013, Respondent was incarcerated in the Waukesha County Jail.

6. Patient A's chiropractor faxed a second written request to Respondent's office for Patient A's health care records and Respondent again failed to respond.

7. On June 6, 2013, the Division of Legal Services and Compliance informed Respondent that Patient A had complained to the Board regarding Respondent's failure to provide her current chiropractor with patient health care records that were in Respondent's possession.

8. On June 11, 2013, Respondent faxed Patient A's health care records to her current chiropractor.

9. On June 12, 2013, Respondent provided the Board's representative an explanation of his failure to release Patient A's records. Respondent informed the Board's representative that he "had been out of the office for personal obligations." He did not disclose that he had been jailed, or that he had been convicted of a crime.

Conviction of a crime substantially related to the practice of chiropractic, and failure to report the conviction to the Board.

10. On July 21, 2011, in Waukesha County Circuit Court Case no. 2011CM197, Respondent was convicted of one (1) count of disorderly conduct, domestic abuse, a misdemeanor, in violation of Wis. Stat. §§ 947.01, and 968.075(1)(a). A second count was dismissed and read-in for sentencing.

11. The criminal conviction was the consequence of Respondent's conduct on or about December 24, 2010, when Respondent and his wife got into an altercation at their residence. Respondent had been drinking prior to the incident.

12. As a consequence of the conviction, the Court placed Respondent on probation for two (2) years. The court-ordered conditions of probation included: thirty (30) days condition time in jail, an alcohol assessment and compliance with its recommendation, random drug testing, absolute sobriety, no illegal or violent contact with his wife and counseling.

13. Respondent cooperated completed the alcohol assessment, drug testing and counseling that the court ordered.

14. Respondent did not report his conviction to the Board, stating that he did not know he was required to report misdemeanor convictions. In June 2005, RL 4.09 was amended to require reporting of any and all criminal convictions (misdemeanor, as well as felony). Respondent erroneously believed he had a duty to report only felony convictions.

17. Respondent states that his failure to provide Patient A's health care records on a timely basis, as required by law, and his failure to report his misdemeanor conviction to the Board were both unintentional. He does not concede that his disorderly conduct conviction was substantially related to the practice of chiropractic, but has accepted responsibility for that conduct and resolved that case. He does accept responsibility for the delay in record transfer and his failure to report his misdemeanor conviction, and has elected to resolve this matter by stipulation. Respondent concedes that the facts set forth above are sufficient to justify the Conclusions of Law and Order below.

18. 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, Raymond M. Janusz, D.C., engaged in unprofessional conduct as defined in Wis. Admin. Code § Chir 6.02(23), by failing to notify the board of any criminal conviction, the circumstances of which relate substantially to the practice of chiropractic.

3. By the conduct described in the Findings of Fact, Raymond M. Janusz, D.C., engaged in unprofessional conduct as defined in Wis. Admin. Code § Chir 6.02(24), by being convicted of a crime substantially related to the practice of chiropractic.

4. By the conduct described in the Findings of Fact, Raymond M. Janusz, D.C., engaged in unprofessional conduct as defined in Wis. Admin. Code § Chir 6.02(28), by failing to release patient health records to a patient in accordance with Wis. Stat. § 146.83.

5. In accordance with *Gibson v. Transportation Commission*, 106 Wis.2d 22, 315 N.W.2d 346 (1982) and its progeny, the crimes of disorderly conduct, domestic abuse, in violation of Wis. Stat. §§ 947.01, and 968.075(1)(a)4., particularly, when committed and involving a person who is an employee of the licensed professional, is a crime the circumstances of which can be viewed as substantially related to the practice of chiropractic.

6. As a result of the above violations, Raymond M. Janusz, D.C., is subject to discipline pursuant to Wis. Stat. § 446.03 (3) and (5).

ORDER

1. The attached Stipulation is accepted.
2. The license to practice chiropractic in the state of Wisconsin issued to Raymond M. Janusz, D.C., (license number 2411-12) is **SUSPENDED** for thirty (30) days commencing July 3, 2015.
3. The license to practice chiropractic issued to Raymond M. Janusz, D.C., (license number 2411-12) is **LIMITED** as follows:
  - a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete four (4) hours of remedial education on the topic of ethics, and four (4) hours of remedial education on the topic of patient records. The course provider(s) must be pre-approved by the Board's designee. Successful completion requires that Respondent take and pass any exam offered for the course(s).
  - b. Respondent shall submit proof of successful completion of the ordered 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.
  - c. 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.
4. Within *ninety* (90) days from the date of this Order, Raymond. M. Janusz, D.C., shall pay **COSTS** of this matter in the amount of \$1,517.00.
5. Request of approval of courses, 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 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

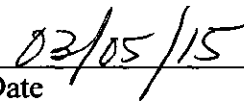
6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this

Order. In the event Respondent fails to timely submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 2411-12) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and has provided proof of successful completion of the ordered education.

7. Except as provided in paragraph 2 of the Order, this Order is effective on the date of its signing.

WISCONSIN CHIROPRACTIC EXAMINING BOARD

by:   
A Member of the Board

  
Date

STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

RAYMOND M. JANUSZ, D.C.,  
RESPONDENT.

:  
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:  
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STIPULATION

0003809

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Division of Legal Services and Compliance Case No. 13 CHI 010

Respondent Raymond M. Janusz, D.C., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by attorney Joseph Fasi II.


4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Chiropractic Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

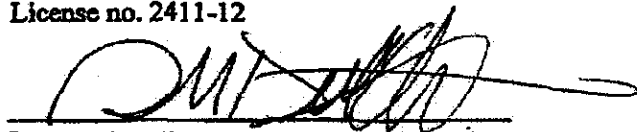
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

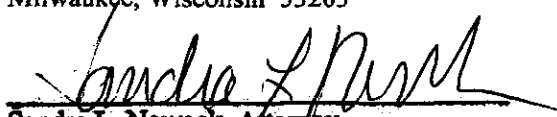
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Raymond M. Janusz, D.C., Respondent  
P.O. Box 670  
Brookfield, WI 53008-0670  
License no. 2411-12

2/24/15  
Date

  
\_\_\_\_\_  
Raymond M. Dall'Osto, Attorney for Respondent  
Gimbel Reilly Guerin & Brown LLP  
330 East Kilbourn Avenue, Ste. 1130  
Milwaukee, Wisconsin 53203

Feb. 24, 2015  
Date

  
\_\_\_\_\_  
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2/24/15  
Date