

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
STUART W. LEINBACH, D.C., : FINAL DECISION AND ORDER
RESPONDENT. : FOR REMEDIAL EDUCATION
:

0004117

Division of Legal Services and Compliance Case No. 14 CHI 024

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

Stuart W. Leinbach, D.C.
N5450 Eagle Circle Ln. W
Onalaska, WI 54650

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 Stuart W. Leinbach, D.C., (DOB April 11, 1964) is licensed to practice chiropractic in the state of Wisconsin, having license number 4553-12, first issued on November 13, 2009 and current through December 14, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N5450 Eagle Circle Lane West, Onalaska, Wisconsin 54650.

2. At all times relevant to this proceeding, Respondent was employed as a chiropractor at Onalaska Chiropractic, located in Onalaska, Wisconsin.

3. On March 25, 2014, Patient A presented to Respondent's clinic for the first time with lower back pain.

4. Respondent's records do not document an adequate evaluation of Patient A's range of motion or neurologic functioning.
5. Respondent failed to take relevant radiographs prior to providing treatment.
6. Patient A experienced worsening back pain immediately after the adjustment and therefore had difficulty walking.
7. Approximately one week later, Patient A presented to her physician because the pain had not subsided.
8. An MRI revealed Patient A had a lumbar disc herniation compressing nerves. The disc herniation caused pain and required surgery.
9. Respondent denies that radiographs were necessary and denies that his records fail to document adequate pretreatment evaluations. However, in resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

The Wisconsin Chiropractic Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.
2. Before October 31, 2015, Stuart W. Leinbach, D.C., shall, at Respondent's own expense, take and successfully complete eight (8) hours of education on documentation/record keeping as follows:
 - a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Respondent shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the courses from the Board or its designee. Successful completion requires that Respondent take and pass any exam offered for the course(s). Courses taken without preapproval may NOT be used to satisfy the remedial education requirements of this Order.
 - b. Respondent shall submit proof of successful completion in the form of verification from the institution or organization that provided the education.

- c. None of the remedial 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.

3. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$208.00.


4. 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

5. Violation of any of the terms of this Order, including failure to successfully complete remedial education as ordered, 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 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 remedial education as set forth above, Respondent's license (no. 4553-12) 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 submitted proof of successful completion of the remedial education.

6. 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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

STUART W. LEINBACH, D.C.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004117

Division of Legal Services and Compliance Case No. 14 CHI 024

Respondent Stuart W. Leinbach, 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 Michael P. Russart.

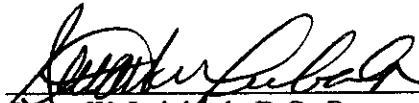
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Chiropractic Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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.

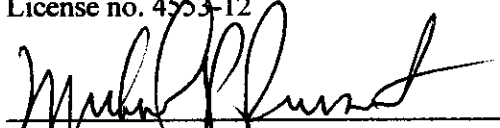
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.


Stuart W. Leinbach, D.C., Respondent
N5450 Eagle Circle Ln. W
Onalaska, WI 54650
License no. 4553-12

3-27-15
Date


Michael P. Russart, Attorney
Hinshaw & Culbertson, LLP
100 E. Wisconsin Ave., Ste. 2600
Milwaukee, WI 53202-4115

3-30-15
Date


Sandra L. Nowack, Attorney
WI State Bar no. 1025643
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
Fax (608) 266-2264
sandra.nowack@Wisconsin.gov

4/6/15
Date