

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

JOHN T. ADERHOLDT, D.C.,
RESPONDENT.

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FINAL DECISION AND ORDER

0004447

Division of Legal Services and Compliance Case No. 14 CHI 016

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

John T. Aderholdt, D.C.
W9682 E. Crystal Lake Rd.
Pickerel, WI 54465

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 John T. Aderholdt, D.C., (dob October 13, 1965) is licensed in the state of Wisconsin to practice chiropractic, having license number 2622-12, first issued on December 13, 1990 and current through December 14, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W9682 East Crystal Lake Road, Pickerel, Wisconsin 54465.

2. At all times relevant to this proceeding, Respondent was employed as a chiropractor at Wausau Wellness Center (Clinic), located in Wausau, Wisconsin.

3. On May 8, 2014, Patient A presented to Respondent for the first time for treatment.
4. Respondent discussed Patient A's chief complaint with Patient A, but failed to complete a medical history on Patient A prior to providing treatment.
5. Respondent stated that he must have been "running late" that day and moved onto the next patient after treating Patient A.
6. Respondent acknowledged that it is his responsibility to complete a medical history of the patient prior to providing treatment; he does this by a questionnaire.
7. A review of Patient A's treatment records revealed that Respondent failed to document Patient A's gender, birth date, medical or family history, and failed to obtain informed consent.
8. Respondent informed Patient A that he does not bill insurance companies.
9. Patient A paid in cash and received a receipt which included the cost and payment, but not insurance codes.
10. Respondent admitted to not keeping copies of receipts.
11. On multiple occasions after Patient A received treatment he attempted to obtain a billing statement from Respondent to send to his insurance company to seek reimbursement for the payment.
12. Respondent insisted on Patient A completing the medical history questionnaire before giving Patient A a copy of the billing statement.
13. In resolution of this matter, Respondent John T. Aderholdt, D.C., 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, John T. Aderholdt, D.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § Chir 6.02(3), by practicing in a manner which substantially departs from the standard of care ordinarily exercised by a chiropractor.
3. By the conduct described in the Findings of Fact, John T. Aderholdt, D.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § Chir 6.02(9), by failing to conduct a competent assessment, evaluation or diagnosis as a basis for treatment or consultation.

4. By the conduct described in the Findings of Fact, John T. Aderholdt, D.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § Chir 6.02(27), by failing to maintain patient record for a minimum period of 7 years after the last treatment.

5. By the conduct described in the Findings of Fact, John T. Aderholdt, D.C., violated Wis. Admin. Code § Chir 11.02(5), by failing to include in a patient's record documentation of informed consent of the patient.

6. By the conduct described in the Findings of Fact, John T. Aderholdt, D.C., violated Wis. Admin. Code § Chir 11.03(1), by failing to include in a patient record the history of the present illness or complaints, and significant past health, medical and social history.

7. By the conduct described in the Findings of Fact, John T. Aderholdt, D.C., violated Wis. Admin. Code § Chir 11.03(2), by failing to include in a patient record significant family medical history and health factors which may be congenital or familial in nature.

8. By the conduct described in the Findings of Fact, John T. Aderholdt, D.C., violated Wis. Admin. Code § Chir 11.03(3), by failing to include in a patient record a review of patient systems, including cardiovascular, respiratory, musculoskeletal, integumentary and neurologic.

9. As a result of the above violations, John T. Aderholdt, D.C., is subject to discipline pursuant to Wis. Stat. § 446.03(5).

ORDER

1. The attached Stipulation is accepted.
2. Respondent John T. Aderholdt, D.C., is REPRIMANDED.
3. The license to practice chiropractic issued to John T. Aderholdt, D.C., (license number 2622-12) is LIMITED as follows:
 - a. Within ninety (90) days from the date of this Order, Respondent shall engage the services of a professional mentor who is licensed to practice chiropractic in the state of Wisconsin, and who has not been disciplined by the Board.
 - b. Within thirty (30) days of the date of this Order, Respondent shall submit to the Department Monitor at the address below a written request for approval of a proposed mentor. The request for approval shall be accompanied by the mentor's current curriculum vitae and a letter from the mentor confirming that he or she has read the Final Decision and Order and agrees to undertake the duties of a professional mentor as set out in this paragraph.
 - c. The professional mentor shall be actively engaged in the practice of chiropractic and shall not have any personal or professional

relationship, past or present, with Respondent that could reasonably be expected to compromise the proposed mentor's ability to render fair and unbiased reports to the Department.

- d. The Board's designee has the full and final authority to approve or reject a proposed mentor. This decision is based on an exercise of discretion and is not reviewable. The Board's designee may, for good cause, approve or direct a change in the professional mentor at any time.
- e. Every month, for a period of 18 months, the mentor shall visit and inspect Respondent's chiropractic practice, for the purposes of determining whether or not Respondent is maintaining the practice site consistent with standards of the chiropractic profession.
- f. During the monthly visit, the mentor shall randomly select and review the charts of at least five (5) patients that have presented to Respondent in the preceding month. The chart review shall thoroughly assess whether Respondent's records are compliant with the rules and regulations of the profession and completed in a timely manner. Records shall be assessed at the standard of minimum competence.
- g. The professional mentor shall offer feedback and direction to Respondent for the purposes of assisting Respondent in improving the quality of care provided to patients and record-keeping. Respondent shall follow the appropriate guidance of the mentoring chiropractor. Whether or not guidance of the mentoring chiropractor is appropriate and whether or not Respondent has complied with the guidance shall be in the sole discretion of the Board's designee. These discretionary determinations are not reviewable.
- h. The mentor shall submit written and thorough quarterly reports identifying the number of charts reviewed in the previous quarter; the quality of record keeping, and identifying any concern with Respondent's practice. It is Respondent's responsibility to ensure the quarterly reports are submitted when due.
- i. The mentor shall immediately report any unprofessional conduct or suspected violation of this Order to the Department Monitor.
- j. After the timely submission of six (6) consecutive quarterly mentor reports, and with a written recommendation from the mentor expressly supporting the request, Respondent may petition the Board or its designee for modification or termination of any part of

this limitation. Whether to modify the terms of this Limitation is in the sole discretion of the Board or its designee and is not reviewable.

- k. Respondent is responsible for any and all costs associated with the services of the professional mentor.

4. Respondent has submitted proof, to the satisfaction of the Board's designee, of successful completion of 18 hours of preapproved remedial education that the Board would have otherwise required as part of this Order. The 18 credits completed pursuant to this paragraph shall not be used to satisfy continuing education credits required to maintain this or any other credential.

5. Within ninety (90) days from the date of this Order, John T. Aderholdt, D.C., shall pay COSTS of this matter in the amount of \$343.25.

6. Request for approval of a mentor, submission of quarterly reports, 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

7. 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, fails to obtain a professional mentor, or fails to timely submit quarterly reports; Respondent's license (no. 2622-12) 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, obtained a professional mentor, and has timely submitted quarterly reports.

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

WISCONSIN CHIROPRACTIC EXAMINING BOARD

by: 
A Member of the Board

2/22/2015
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN T. ADERHOLDT, D.C.,
RESPONDENT.

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STIPULATION

0004447

Division of Legal Services and Compliance Case No. 14 CHI 016

Respondent John T. Aderholdt, 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.

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.

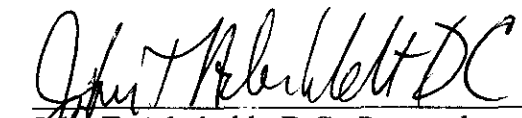
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

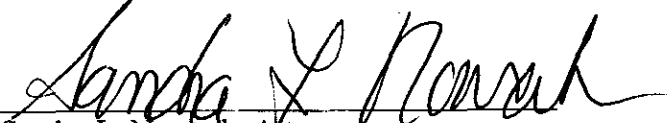
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



John T. Aderholdt, D.C., Respondent
W9682 E. Crystal Lake Rd.
Pickerel, WI 54465
License no. 2622-12

5-6-15

Date



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5/11/15

Date