

## 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

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

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FINAL DECISION AND ORDER  
DHA CASE NUMBER SPS 15-0028

0004448

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Division of Legal Services and Compliance Case No. 12 CHI 001

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 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

PROCEDURAL HISTORY

On March 6, 2015, the Division of Legal Services and Compliance commenced this proceeding by filing a complaint to resolve this matter by hearing. On March 25, 2015, Respondent, by his attorney John C. Gardner, filed an Answer to the Complaint. Administrative Law Judge Jennifer Nashold presided over prehearing and scheduling conferences.

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 to practice chiropractic, having license number 4504-12, first granted on June 15, 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 2823 London Road, #2, Eau Claire, Wisconsin 54701.

2. At all times relevant to this proceeding, Respondent was employed as a chiropractor in Eau Claire, Wisconsin.

**Prior Discipline, 12 CHI 006**

3. On August 15, 2013, the Board found that Respondent had been convicted of operating a motor vehicle while intoxicated on March 8, 2002, July 13, 2004 and February 7, 2012, respectively. On February 7, 2012, Respondent entered into a deferred prosecution agreement for false imprisonment, which stemmed from Respondent, while intoxicated, entering a motor vehicle without the owner's consent and driving off with a passenger still inside the vehicle.

4. The Board suspended Respondent's license and placed limitations which Respondent take and pass eight hours of education on ethics relating to chiropractic practice, to successfully pass the Chiropractic Jurisprudence Exam, to enter and successfully complete six months of drug and alcohol treatment, and to enter into and complete a drug and alcohol monitoring program.

5. Respondent fully and satisfactorily completed the requirements and on March 18, 2014, the Board restored Respondent to full licensure.

**12 CHI 001**

6. On February 6, 2012, the Department received allegations concerning chiropractic care Respondent provided to a family of nine patients, including three children. Respondent was treating the family as part of a "Maximized Living Chiropractic Care Plan".

7. In the course of its investigation, the Division, as a representative of the Board, repeatedly asked Respondent, directly and through counsel, to produce certified copies of the patients' health care records. Along with the requests, the Division furnished a certification form to be completed by Respondent, indicating that the documents were complete, true and accurate copies of the originals.

8. Although Respondent made efforts toward producing some records, the first responses contained incomplete records that were not certified. Finally, on October 11, 2013, Respondent certified the records. However, the records Respondent certified as complete, true and accurate were not complete.

9. On October 17, 2013, in response to a subpoena, Respondent personally produced certified copies of the requested treatment records, including, for every patient, daily records of treatment that had not been provided previously.

10. Respondent's daily records for each of the nine patients included treatment plans to include, "#1 and arthrostim C1-T2" [sic]. As the patients' treatment continued, the treatment plans provided for reduction in the number and frequency of "arthrostim" treatments.

11. ArthroStim® is a device used in the practice of chiropractic.
12. On the treatment dates in question, Respondent did not own or have access to an ArthroStim®, and did not intend to use the ArthroStim® in caring for the patients at issue.
13. Respondent's records for seven of the nine patients contain no references to or documentation of informed consent by the patients or the patients' parents for treatment of any kind.
14. In resolution of this matter, Respondent Aaron J. Arfstrom, 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 alleged above, Aaron J. Arfstrom, D.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § Chir 6.02(20), by falsely certifying as true, accurate, and complete copies of patient records requested by the Division on behalf of the Board.
3. By the conduct alleged above, Aaron J. Arfstrom, D.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § Chir 6.02(12), by documenting false information in patient healthcare records.
4. By the conduct alleged above, Aaron J. Arfstrom, D.C., violated Wis. Admin. Code § Chir 11.02(5), by failing to document informed consent of his patient, or the parent of the patient under the age of 18, for examination, diagnostic testing and treatment.
5. By violating Wis. Admin. Code § Chir 11.02(5), Aaron J. Arfstrom, D.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § Chir 6.02(25).
6. As a result of the above violations, Aaron J. Arfstrom, D.C., is subject to discipline pursuant to Wis. Stat. § 446.03(5).

#### ORDER

1. The attached Stipulation is accepted.
2. Aaron J. Arfstrom, D.C.'s, license to practice chiropractic issued by the State of Wisconsin, license number 4504-12, is LIMITED to require remedial education as follows:
  - a. Within nine months from the date of this Order, Respondent shall, at his own expense, take and successfully complete sixteen hours of remedial education in chiropractic orthopedic and neurological examination and

treatment planning, and eight hours of remedial education in chiropractic health care documentation.

- b. 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 pre-approval of the courses from the Board or its designee. Courses taken without preapproval will NOT be accepted in satisfaction of this limitation.
- c. Acceptable remedial education courses may include customized educational activities as preapproved by the Board's designee.
- d. Successful completion of remedial educational requirements shall include taking and passing any exam offered in conjunction with the course(s).
- 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.
- f. 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.
- g. This limitation shall be removed upon Respondent presenting proof, acceptable to the Board's designee, that Respondent has successfully completed the remedial education as ordered.

4. Aaron J. Arfstrom, D.C.'s, license to practice chiropractic issued by the State of Wisconsin, license number 4504-12, is further LIMITED to require Respondent to work with a professional mentor for the purpose of ensuring that Respondent's practice and record-keeping conform to professional standards, as follows:

- a. For a period of at least two years from the date of this Order Respondent shall meet with a professional mentor who has been preapproved by the Board or its designee.
- b. Respondent is responsible for obtaining a professional mentor acceptable to the Board. Respondent shall, within 30 days from the date of this Order, provide the Department Monitor with contact information and curriculum vitae of the proposed monitor.
- c. The mentor shall have no prior or current business, personal, or other relationship with Respondent that could reasonably be expected to compromise the mentor's ability to render fair and unbiased reports to the Board. The mentor shall be actively engaged in the practice of chiropractic or shall have retired from practice within the past two years, shall hold a valid and unlimited Wisconsin license to practice chiropractic,

and shall have read this Final Decision and Order and agree to be Respondent's mentor. Before serving as a mentor, the proposed mentor shall provide a written statement to the Department Monitor indicating that the mentor satisfies these conditions and accepts the terms required of this Order.

- d. Unless otherwise ordered by the Board, the professional mentor shall meet with Respondent on a monthly basis. During the monthly meetings, the mentor shall select and review the patient health care records of at least eight patients for whom Respondent provided care within the preceding month. The purpose of the file review is to ensure that Respondent has maintained timely, complete, true and accurate records of patient care and that Respondent is practicing chiropractic within the standard of minimal competence.
- e. The mentor shall offer guidance and recommendations for necessary improvements in Respondent's practice and record-keeping. Respondent shall comply with those recommendations to the satisfaction of the mentor.
- f. Respondent shall arrange for the mentor to provide formal written reports to the Board or its designee on a quarterly basis. The reports shall address the quality of record-keeping and care provided to Respondent's patients.
- g. After twelve consecutive months of monthly meetings with the professional mentor, and with a favorable recommendation from the professional mentor, Respondent may request a reduction in the frequency of meetings with the mentor. The decision of whether or not to reduce the meeting frequency is in the sole discretion of the Board or its designee. The decision of whether or not to reduce mentoring meetings and the frequency at which the reduced meetings occur is not reviewable. Respondent may seek no more than one reduction in the frequency of mentoring meetings per calendar year.
- h. Respondent's mentor shall immediately report to the Board, in writing, any conduct or condition of Respondent that may constitute unprofessional conduct, a violation of this Order, or a danger to the public or a patient.
- i. The professional mentor shall submit all reports to the Department Monitor at the address below. Respondent shall be responsible for the timely submission of reports.
- j. Respondent shall be responsible for any and all fees and costs associated with the professional mentor.
- k. After the mentor has provided reports deemed by the Board's liaison to be satisfactory, for two consecutive years from the date of the appointment of

the mentor, and with a favorable recommendation by the mentor, the Board shall issue an order removing this limitation.

5. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$9,957.00.

6. Requests for approval of courses, proof of successful course completion, nomination of a Mentor, 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 submit proof of successful completion of the ordered education as set forth above, or fails to comply with the mentoring requirement as ordered, 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 payment of costs, submitted proof of successful completion of the ordered education, obtained a mentor and complied with the mentoring requirements.

8. 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

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

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STIPULATION  
DHA CASE NUMBER SPS 15-0028

**0004448**

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Division of Legal Services and Compliance Case No. 12 CHI 001

Respondent Aaron J. Arfstrom, 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 Steven R. Conway and John C. Gardner.

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.

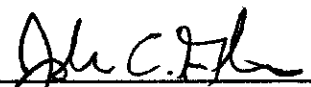
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's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

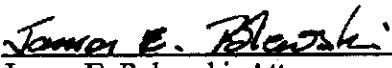
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Aaron J. Arfstrom, Respondent  
2823 London Road, #2  
Eau Claire, WI 54701  
License no. 4504-12

10/14/15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Steven R. Conway, Attorney for Respondent  
John C. Gardner, Attorney for Respondent  
DeWitt, Ross & Stevens  
2 E Mifflin Street, Ste 600  
Madison WI 53703

10/16/15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
James E. Polewski, Attorney  
Sandra L. Nowack, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

October 12, 2015 p.m.  
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Date