

## 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 :  
HIEN NGUYEN, D.C., : FINAL DECISION AND ORDER  
RESPONDENT. : FOR REMEDIAL EDUCATION

0004640

Division of Legal Services and Compliance Case No. 13 CHI 040

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

Hien Nguyen, D.C.  
1285 Symphony Boulevard  
Neenah, WI 54956

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 Hien Nguyen, D.C., (dob December 20, 1965) is licensed to practice chiropractic in the state of Wisconsin, having license number 3398-12, first issued on December 12, 1996 and current through December 14, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1285 Symphony Boulevard, Neenah, Wisconsin 54956.

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

3. Respondent provided chiropractic treatment for Patient A from November 3, 2010 to August 10, 2011 for neck, hip and back injuries that Patient A sustained in a motor vehicle accident. During that time, Patient A treated approximately 25 times with Respondent.

4. On November 12, 2010, Respondent performed adjustments to three (3) or four (4) regions of the spine, but failed to document in the patient's chart that the treatments had been performed.

5. On December 3, 2010, Respondent performed adjustments to three (3) or four (4) regions of Patient A's spine, but failed to document in the patient's chart that the treatments had been performed.

6. On July 6, 2011, Respondent billed Patient A for adjustments to three (3) or four (4) regions of the spine, but only documented that two (2) regions were adjusted in the records.

7. 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 is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

#### ORDER

1. The attached Stipulation is accepted.

2. Within six (6) months of the date of this Order, Hien Nguyen, D.C., shall at his own expense take and successfully complete six (6) hours of education on documentation 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. Respondent must take and pass any exam offered for the course(s).
- b. 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.
- c. 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.


3. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$650.00.

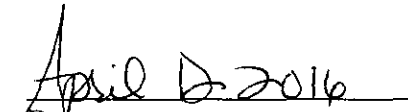
4. Request for approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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

5. 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 THE LICENSE OF :  
HIEN NGUYEN, D.C., : STIPULATION  
LICENSEE. :

0004640

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Division of Legal Services and Compliance Case No. 13 CHI 040

Licensee Hien Nguyen, 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. Licensee consents to the resolution of this investigation by Stipulation.

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

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by attorney Steven R. Conway.

4. Licensee 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. Licensee 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.

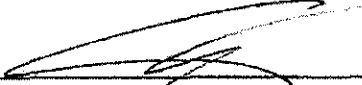
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee, for purposes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

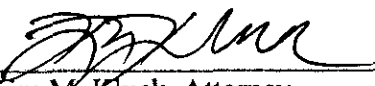
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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Hien Nguyen, D.C., Licensee  
1285 Symphony Boulevard  
Neenah, WI 54956  
License No. 3398-12

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Steven R. Conway, Attorney for Licensee  
Dewitt, Ross & Stevens, S.C.  
2 E. Mifflin Street, Suite 600  
Madison, Wisconsin 53703

4/6/16  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Kim M. Kluck, Attorney  
Division of Legal Services and Compliance  
Wisconsin Department of Safety and Professional Services  
P.O. Box 7190  
Madison WI 53707-7190


4/7/16  
\_\_\_\_\_  
Date

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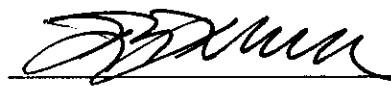
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8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Hien Nguyen, D.C., Licensee  
1285 Symphony Boulevard  
Neenah, WI 54956  
License No. 3398-12

9/30/15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Kim M. Kluck, Attorney  
Division of Legal Services and Compliance  
Wisconsin Department of Safety and Professional Services  
P.O. Box 7190  
Madison WI 53707-7190

10/21/15  
\_\_\_\_\_  
Date