

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 :
: FINAL DECISION AND ORDER
KURT R. STEIN, D.C., :
RESPONDENT. :

0004767

Division of Legal Services and Compliance Case No. 14 CHI 012

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

Kurt R. Stein, D.C.
2690 Research Park Drive, Suite A
Fitchburg, WI 53711

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 Kurt R. Stein, D.C., (dob June 30, 1970) is licensed in the state of Wisconsin to practice chiropractic, having license number 3835-12, first granted on February 22, 2002 and current through December 14, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2690 Research Park Drive, Suite A, Fitchburg, Wisconsin 53711.

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

3. In May of 2014, the Wisconsin Department of Safety and Professional Services received a complaint regarding the Respondent. The complaint alleged that the Respondent failed to complete and properly maintain patient medical records.

4. On October 10, 2014, two investigators from the Wisconsin Department of Safety and Professional Services met with the Respondent. The investigators briefed the Respondent about the complaint. The Respondent indicated that he has had problems with his business including his computers, his staff and billing, and two location changes. The Respondent acknowledged that there were missing patient notes/records that he either could not or would have difficulty locating.

5. In resolution of this matter, Respondent Kurt R. Stein, 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, Kurt R. Stein, D.C., violated 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, Kurt R. Stein, D.C., violated Wis. Admin. Code § Chir 6.02(25) by failing to comply with the patient records requirements of Wis. Admin. Code § Chir 11.02.

4. As a result of the above violations, Kurt R. Stein, D.C., is subject to discipline pursuant to Wis. Stat. § 446.03(5).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Kurt R. Stein, D.C., is REPRIMANDED.

3. Respondent's license to practice chiropractic in the state of Wisconsin (license no. 3835-12) is LIMITED as follows:

Professional Mentor

4. For one (1) year from the date of this Order, Respondent shall comply with monitoring by a Mentor approved by the Board or its designee.

a. Respondent is responsible for obtaining a Mentor acceptable to the Board. Within sixty (60) 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 proposed Mentor shall be licensed to practice chiropractic in the State of Wisconsin and shall not have a history of being disciplined by the Board. 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. If the Department Monitor rejects the proposed Mentor, the Department Monitor shall inform Respondent, in writing, the reasons for doing so and allow the Respondent a reasonable amount of time for proposing a different Mentor with the same requirements. Within thirty (30) days following approval of the Mentor, the Respondent shall complete an agreement with the approved Mentor to engage the services of the Mentor consistent with the terms set forth herein. If there is any reason(s) for which such an agreement is not accomplished, the Respondent shall communicate them promptly to the Board Monitor for further instructions to engage a Mentor.

b. 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 Order.

c. Respondent shall arrange for the Mentor to provide written reports to the Board on a quarterly basis, as directed by the Department Monitor. Respondent's Mentor shall immediately report to the Board any conduct, or condition of the Respondent that may constitute unprofessional conduct, a violation of this Order, or a danger to the public or patient. All reports shall be submitted to the Department Monitor at the address below. Respondent shall be responsible for his timely cooperation as necessary for the Monitor to submit timely reports.

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. Quarterly, from the time of being engaged as the Mentor, the Mentor shall visit and inspect Respondent's chiropractic patient records, for the purpose of determining whether Respondent's records are compliant with the rules governing the license and the standards of the profession, including being completed in a timely manner. The Mentor shall assess the records for compliance with the standard of minimally acceptable records and file a report with the Monitor. Disclosures of such records to the Mentor and from the Mentor to the Department Monitor and the Department/Board, by the Respondent, are pursuant to Wis. Stat. §§ 146.82(2) and (5).

1. To establish and confirm a baseline standard, the Mentor shall include with each of the Mentor's first three Reports (Paragraph 2. g., below) copies of five records created by Respondent during the period following the previous Report that the Mentor considers to be of minimally acceptable quality. The Mentor shall redact or delete from the copies of any and all such records submitted with the Report the names and any other identifiers of the patients. Each Report shall be assigned a number for identification purposes.

2. If the Mentor is replaced by the Board's designee for good cause, the reasons for same and the terms for transition shall be provided, in writing, to Respondent by the Board's designee, and such transition shall be consistent with the terms of this Order. The Respondent's obligation to comply with this element of the Order shall not be extended by virtue of any disagreement between the Mentor and the Board designee or the replacement of the Mentor by the Board designee.

f. Respondent may petition the Board for modification or termination of any part of this Limitation. The Board or its designee may grant such petition in whole or in part within its sole discretion and is not reviewable.

g. After four (4) consecutive favorable reports and with a favorable recommendation of the Mentor, this license Limitation requiring a professional Mentor shall be removed from Respondent's license. Respondent is responsible for any and all costs associated with the services of the Mentor.

Remedial Education

5. Within six months of the date of this Order, Respondent shall successfully complete eight (8) hours of education on the subject of chiropractic records and an additional six (6) hours of education on the topic of chiropractic ethics. The course(s) must be pre-approved by the Board's designee. "Successful completion" includes that Respondent take and pass any exam offered for the course(s).

a. Within thirty (30) days of completion of approved remedial education, Respondent shall submit proof of successful completion in the form of verification from the institution or organization that provided the education. The Department shall remove the limitation described in this paragraph from Respondent's license when Respondent has submitted proof of the successful completion of the education under the terms of this paragraph.

b. 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.

6. Within ninety (90) days from the date of this Order, Kurt R. Stein, D.C., shall pay COSTS of this matter in the amount of \$700.00.

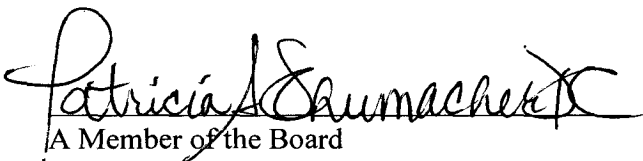
7. All documents required by this Order and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent or the Mentor as required to the Department Monitor at the address below:

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

8. Violation of any of the terms of this Order may result in the Board imposing additional conditions and limitations or 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 Mentor, fails to follow any recommendation of the Mentor, or fails to complete education as ordered, Respondent's license (no. 3835-12) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of said costs.

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

WISCONSIN CHIROPRACTIC EXAMINING BOARD

by: 
A Member of the Board

06/23/2016
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KURT R. STEIN, D.C.,
RESPONDENT.

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:
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:
:

STIPULATION

0004767

Division of Legal Services and Compliance Case No. 14 CHI 012

Respondent Kurt R. Stein, 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 William Haus.


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.



Kurt R. Stein, D.C.
2690 Research Park Drive, Suite A
Fitchburg, WI 53711
License no. 3835-12

3/22/16


Date



William Haus, Attorney for Respondent
Haus, Roman & Banks, LLP
140 E. Wilson Street
Madison, WI 53703-3423

3/22/2016

Date



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

March 15, 2016

Date