

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 :
 :
MARK S. DREWICZ, D.C., : FINAL DECISION AND ORDER
RESPONDENT. :

0004947

Division of Legal Services and Compliance Case No. 14 CHI 033

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

Mark S. Drewicz, D.C.
17100 W. Bluemound Road, Suite 203
Brookfield, WI 53005

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 Wisconsin 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 Mark S. Drewicz, D.C., (dob April 30, 1958) is licensed to practice chiropractic in the State of Wisconsin, having license number 2365-12, first granted on December 1, 1988 and current through December 14, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 17100 W. Bluemound Road, Suite 203, Brookfield, Wisconsin 53005.

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

3. On February 11, 2013, the Department notified Respondent by mail that his application for renewal of his license to practice chiropractic was being denied because he was delinquent in payment of taxes, and that he had 30 days to request a hearing on the denial. Respondent did not receive this notice.

4. Respondent did not request a hearing on the denial of his application for renewal of his license to practice chiropractic in Wisconsin.

5. On March 13, 2013, the Division of Professional Credential Processing changed the status of Respondent's license from active "A" (active) to "O" (denied because of a Department of Revenue hold on the license). Respondent was not aware of this change to his license status.

6. At the end of the chiropractic licensing biennium on December 14, 2014, Respondent's license was not eligible for renewal due to the outstanding delinquent taxes and Respondent was unable to renew his license. Respondent continued to practice chiropractic.

7. On January 7, 2015, the Department sent a letter to Respondent stating that he was practicing chiropractic without a license, and stated that he was ineligible to practice chiropractic in the state of Wisconsin until his tax delinquency with the Department of Revenue (DOR) was resolved.

8. On or about September 25, 2015, DOR notified DSPS that Respondent had resolved his delinquent tax issues, and DSPS changed Respondent's license status from denied, "O," to active, "A."

9. On September 29, 2015, Respondent renewed his license to practice chiropractic in Wisconsin.

10. Respondent practiced chiropractic for compensation in Wisconsin for the period December 14, 2014 through September 25, 2015.

11. Respondent did not have a policy of professional liability insurance meeting the requirements of Wis. Admin. Code § Chir 3.07 during the period September 25, 2015 through October 18, 2015.

12. 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 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, Mark S. Drewicz, D.C., engaged in unprofessional conduct as defined in Wis. Admin. Code § Chir 6.02(26), by violating Wis. Stat. § 446.02(1) by practicing chiropractic for compensation in Wisconsin during the period December 14, 2014 through September 25, 2015, while he was not licensed to do so.

3. By the conduct described in the Findings of Fact, Mark S. Drewicz, D.C., engaged in unprofessional conduct as defined in Wis. Admin. Code § Chir 6.02(26), by violating Wis. Admin. Code § Chir 3.07 by practicing chiropractic for compensation in Wisconsin during the period September 25, 2015 through October 18, 2015 without the professional liability insurance required by Wis. Admin. Code § Chir 3.07.

4. As a result of the above conduct, Mark S. Drewicz, D.C., is subject to discipline pursuant to Wis. Stat. § 446.03(5).

ORDER

1. The attached Stipulation is accepted.

2. The license to practice chiropractic in the state of Wisconsin issued to Mark S. Drewicz, D.C., (license number 2365-12) is SUSPENDED for 20 (twenty) days, beginning one (1) month from the date of this Order.

3. The license to practice chiropractic in the state of Wisconsin issued to Mark S. Drewicz, D.C., (license number 2365-12) is LIMITED as follows:

a. Within 60 days from the date of this Order, Respondent shall provide written notice, via Certified Mail Return Receipt Requested, to Medicare, Medicaid, all third-party payers, and to each patient who personally paid fees for chiropractic services performed by Mark S. Drewicz, D.C., during the period January 7, 2015 through September 24, 2015. The written notice shall explain that Mark S. Drewicz, D.C., was not licensed to practice chiropractic in Wisconsin during that period, and was, therefore, not authorized to practice chiropractic or charge any fee for doing so.

b. Within 90 days from the date of this Order, Mark S. Drewicz, D.C., shall send to the Department Monitor, at the address listed below, a sworn affidavit. The affidavit must identify each person who or entity that received notification, and the date of notification. The following documents must be attached to the affidavit: (a) a copy of the letter sent to Medicare and Medicaid, (b) a copy of a representative letter sent to the third-party payers, (c) a list of the third-party payers to whom the letter was sent, (d) a copy of a representative letter sent to patients, and (e) a list of the patients to whom the letter was sent.

4. This limitation shall be removed from Respondent's license after Respondent satisfies the Board or its designee that Respondent has successfully completed all of the notification requirements in paragraph 3a and 3b of the Order.

5. Within 90 days of the date of this Order, Respondent shall pay the costs of this disciplinary investigation and proceeding pursuant to Wis. Stat. § 440.22, in the amount of \$1,569.00.

6. The affidavit, and any documents evidencing satisfactory completion of notification requirements, 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 comply with the notification requirements, fails to submit a timely affidavit evidencing satisfactory completion of notification requirements or fails to submit timely payment of costs, Respondent's license (no. 2365-12) 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 has evidence of satisfactory compliance of the written disclosures required by this Order.

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

WISCONSIN CHIROPRACTIC EXAMINING BOARD

by: Patricia A. Schumacher
A Member of the Board

09/29/2016
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARK S. DREWICZ, D.C.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004947

Division of Legal Services and Compliance Case No. 14 CHI 033

Respondent Mark S. Drewicz, 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 John C. Gardner.

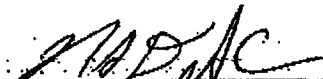
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Chiropractic Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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

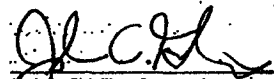
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the board in open or closed session, without the presence of Respondent or Respondent's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

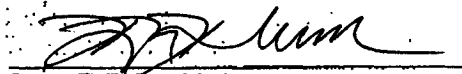
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Mark S. Drewicz, D.C., Respondent
17100 W. Bluemound Road, Ste 203
Brookfield, WI 53005
License no. 2365-12

9-19-16
Date


John C. Gardner, Attorney for Respondent
DeWitt, Ross & Stevens
2 E. Mifflin St, Ste 600
Madison, WI 53703

9/19/16
Date


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

9/19/16
Date