

## 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 THE LICENSE OF	:	
	:	FINAL DECISION AND ORDER
BENJAMIN J. ALTMANN, D.C.,	:	FOR REMEDIAL EDUCATION
LICENSEE.	:	

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**0005057**

Division of Legal Services and Compliance Case No. 15 CHI 025

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

Benjamin J. Altmann, D.C.  
540 Village Walk Ln., Ste. B  
Johnson Creek, WI 53038

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 Benjamin J. Altmann, D.C., (dob November 14, 1985) is licensed to practice chiropractic in the State of Wisconsin, having license number 4808-12, first issued on December 20, 2011 and current through December 14, 2016. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 540 Village Walk Lane, Suite B, Johnson Creek, Wisconsin 53038.

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

3. Patient A is insured by Medicare and has secondary insurance through Medicaid.

4. Between December 15, 2014 and March 25, 2015, Licensee provided treatment to Patient A.
5. Licensee submitted claims to Medicare for the treatment he provided to Patient A.
6. Medicare did not cover the full amount of the services, leaving a \$322.82 balance.
7. Licensee submitted claims to Medicaid for the remaining balance. Medicaid denied those claims because they would not pay as a secondary insurer as the Medicare payments exceeded what Medicaid would allow.
8. Licensee wrongfully billed Patient A \$322.82 for the unpaid balance.
9. Licensee knew or should have known Medicaid does not allow for any further payment for treatment or co-pays for treatments; therefore Licensee should have accepted the amount Medicare paid and not billed Patient A.
10. In resolution of this matter, Licensee 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, Benjamin J. Altmann, D.C., shall at his own expense take and successfully complete three (3) hours of education on Medicare and Medicaid billing as follows:
  - a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee 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. Licensee must take and pass any exam offered for the course(s).
  - b. Licensee 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. Request for approval of courses and proof of successful course completion shall be sent by Licensee to the Department Monitor at the address below:

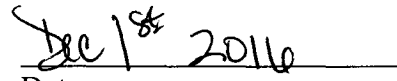
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

4. 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

BENJAMIN J. ALTMAN, D.C.,  
LICENSEE.

:  
:  
:  
:  
:

STIPULATION

0005057

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Division of Legal Services and Compliance Case No. 15 CHI 025

Respondent Benjamin J. Altmann, 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.

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.

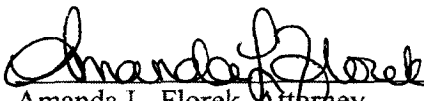
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee, for purposes 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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Benjamin J. Altmann, D.C., Licensee  
540 Village Walk Ln., Ste. B  
Johnson Creek, WI 53038  
License no. 4808-12

10/3/16  
\_\_\_\_\_  
Date

  
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Amanda L. Florek, Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

10/3/16  
\_\_\_\_\_  
Date