

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

KEVIN J. SPLUDE, C.T., R.N.
RESPONDENT.

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: FINAL DECISION AND ORDER
:
:

0005246

Division of Legal Services and Compliance Case No. 16 CHI 030

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

Kevin J. Splude, C.T., R.N.
M241 Sugar Bush Lane
Marshfield, WI 54449

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 Kevin J. Splude, C.T., DOB October 20, 1959, is certified as a chiropractic technician in the state of Wisconsin, having license number 1478-114, first issued on April 11, 2013. This license expired on December 14, 2016, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until December 13, 2021.

2. Respondent is also licensed by the Wisconsin Board of Nursing as a professional nurse, having license number 127043-30, first issued on July 28, 1997 and current through February 28, 2018.

3. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is M241 Sugar Bush Lane, Marshfield, Wisconsin 54449.

4. At all times relevant to this proceeding, Respondent was employed at a chiropractic clinic located in Marshfield, Wisconsin.

5. The chiropractic clinic is owned by Respondent's "spousal equivalent" who provides treatment to Respondent's father. Respondent's father lives with Respondent and the chiropractor.

6. On September 26, 2014, Respondent forwarded his father's chiropractic records to an insurance company.

7. Included with the records was a letter communicating Respondent's father's chiropractic diagnoses and treatment information for billing purposes. The letter had the clinic's name located at the top but did not include the writer's name or title.

8. On December 9, 2015, Respondent was interviewed by an investigator with the Department. During that interview, Respondent admitted to writing the letter to the insurance company. Respondent stated that he was qualified to write the letter because he is "capable of writing." Respondent also indicated that the letter was "written in his voice" and believes everything was accurate and based upon his understanding of the care provided to his father. Respondent could not explain why the letter was not signed.

9. The letter to the insurance company referenced Respondent's father receiving biofeedback. Specifically ". . . finally, biofeedback is being used to improve cognitive function and decrease confusion."

10. During the December 9, 2015 interview, Respondent could not explain what biofeedback was, how biofeedback was being used, or whether and how biofeedback was used to improve cognitive function and decrease confusion.

11. Without a diagnosis by a physician, treatment of cognitive impairment and confusion is not within the scope of practice of neither a nurse nor a chiropractic technician.

12. Respondent, during the interview, indicated that his job title changed from "clinic director" to financial officer because it fit his job duties better. Respondent was unsure when the change was made but that he stills signs documents as "clinic director."

13. The chiropractor who provided the care to Respondent's father was unaware the letter to the insurance company was written and did not review or approve the correspondence to the insurance company.

14. The owner of the clinic indicated that Respondent is not the clinic director.

15. In correspondence to the Department, Respondent certified that his father's health care records were true copies of the original records and signed the certification as the "clinic director."

16. Neither a chiropractic technician nor a nurse are authorized to diagnose chiropractic issues, nor are they permitted to create chiropractic treatment plans.

17. These allegations remain unproven in a formal proceeding. Respondent denies all wrong-doing but to avoid the expense of litigation, 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).

ORDER


1. The attached Stipulation is accepted.

2. The voluntary SURRENDER of the license to practice as a chiropractic technician in the state of Wisconsin issued to Kevin J. Splude, C.T., (certificate no. 1478-114) is hereby accepted.

3. In the event Respondent petitions the Board for reinstatement in the future, the Board may enter an order denying such petition without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on Respondent's license shall be in the discretion of the Board.

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

WISCONSIN CHIROPRACTIC EXAMINING BOARD

by: 
A Member of the Board

3/30/2017
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KEVIN J. SPLUDE, C.T.,
RESPONDENT.

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:
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:
:

STIPULATION

0005246

Division of Legal Services and Compliance Case No. 16 CHI 030

Respondent Kevin J. Splude, C.T., 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 Linda Meagher.
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.

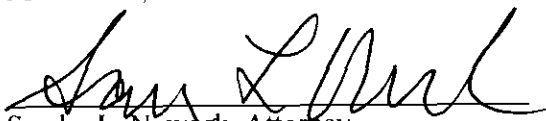
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Kevin J. Splude, C.T., Respondent
M241 Sugar Bush Lane
Marshfield, WI 54449
Certificate no. 1478-114

02/09/2017
Date


Linda Meagher, Attorney for Respondent
Gass Weber Mullins, LLC
309 N. Water St., Ste. 700
Milwaukee, WI 53202

2/16/2017
Date


Sandra L. Nowack, Attorney
State Bar No. 1025643
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Division of Legal Services and Compliance
P.O. Box 7190
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sandra.nowack@wisconsin.gov

2/16/17
Date