

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

ROBERT J. HOZESKA, D.C.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0005354

Division of Legal Services and Compliance Case No. 16 CHI 024

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

Robert J. Hozeska, D.C.
1121 East Sumner Street, Suite A
Hartford, WI 53027

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 Robert J. Hozeska, D.C., (dob January 23, 1961) was licensed to practice chiropractic in the state of Wisconsin, having license number 2410-12, first issued on February 23, 1989. This license expired on December 14, 2012 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, 2017.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1121 East Sumner Street, Suite A, Hartford, Wisconsin.

3. On December 17, 2012, Respondent attempted to renew his license. Respondent submitted the "Continuing Education Addendum" stating he took the correct number of continuing education credits. However, Respondent failed to submit the remaining portions of the renewal application.

4. On January 11, 2013, the Department of Revenue notified the Department that Respondent owed delinquent taxes.

5. On January 16, 2013, the Wisconsin Department of Revenue sent Respondent an Occupational License Denial Warning. The warning stated that, unless Respondent resolved his delinquent tax account within ten (10) days, the renewal of his license would be denied.

6. On February 21, 2013, the Department of Revenue sent Respondent a Certificate of Delinquent Taxes indicating that Respondent was liable for the delinquent taxes. On that same date, the Department of Revenue notified the Department that Respondent's taxes remained delinquent.

7. On March 2, 2013, the Department sent Respondent a letter (Notice of Denial) informing him of its intent to deny his renewal based on delinquent taxes.

8. The Notice of Denial indicated that his application was denied and provided the Respondent with notice of a right to request a hearing.

9. On August 9, 2016, another agency deposed Respondent.

10. During the deposition, Respondent stated:

- a. That he had been practicing chiropractic without a valid license.
- b. That he knew his license renewal was denied due to tax delinquency but continued to practice chiropractic.
- c. Respondent admitted that he was ill which caused him to fall behind on his taxes but he continued to put it off and kept practicing.

11. Respondent routinely practiced chiropractic without a license in the state of Wisconsin for compensation between December 14, 2012 and August 9, 2016.

12. Respondent became very ill around the end of 2012 and was hospitalized on several occasions. These hospitalizations, subsequent diagnosis and expensive medication contributed to his inability to pay his taxes. Respondent has continued to take his continuing education

13. 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, Robert J. Hozeska, D.C., violated Wis. Stat. § 446.04(1) by representing that he was authorized to practice chiropractic when he was not.

3. By the conduct described in the Findings of Fact, Robert J. Hozeska, D.C., violated Wis. Admin. Code § Chir 6.02(25) by practicing chiropractic for compensation without a license, in violation of Wis. Stat. § 446.02(1)(a).

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

ORDER

1. The attached Stipulation is accepted.
2. The right to renew the state of Wisconsin chiropractic license issued to Robert J. Hozeska, D.C., (license number 2410-12) is REVOKED.
3. In the event Respondent reapplies for licensure or renewal in the future, Robert J. Hozeska, D.C., (license number 2410-12) must:
 - a. Prior to renewal, 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 Robert J. Hozeska, D.C., during the period he practiced without a valid license (starting December 14, 2012). The written notice shall explain that Robert J. Hozeska, 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. Prior to renewal, Robert J. Hozeska, D.C., shall send to the Department Monitor, at the address listed below, a sworn affidavit identifying each person 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. In the event Respondent reapplies for licensure in the future, Respondent shall immediately pay COSTS of this matter in the amount of \$1,510.00.

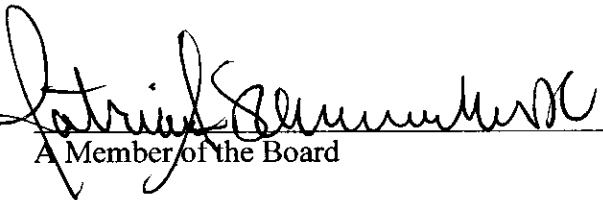
5. The affidavit, letters and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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

6. In the event Respondent violates any term of this Order, Respondent's license (2410-12), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN CHIROPRACTIC EXAMINING BOARD

by: 
A Member of the Board

6.29.17
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT J. HOZESKA, D.C.,
RESPONDENT.

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:
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:
:

STIPULATION

0005354

Division of Legal Services and Compliance Case No. 16 CHI 024

Respondent Robert J. Hozeska, 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.

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.

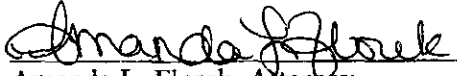
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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


Robert J. Hozeska, D.C., Respondent
1121 East Sumner Street, Suite A
Hartford, WI 53027
License no. 2410-12

6/1/17
Date


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

6/2/17
Date