

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

ANDREW D. KIEFERT, D.C.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0006560

Division of Legal Services and Compliance Case No. 17 CHI 026

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

Andrew D. Kiefert, D.C.
1260 Centennial Centre Blvd
Green Bay, WI 54155

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 Andrew D. Kiefert, D.C., (DOB May 30, 1978) is licensed in the state of Wisconsin as a chiropractor, having license number 4034-12, first issued on April 16, 2004, and current through December 14, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1260 Centennial Centre Boulevard, Green Bay, Wisconsin 54155.

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

3. On November 17, 2017, the Department received a complaint indicating Respondent was performing acupuncture on patients without an acupuncture license.

4. On May 24, 2018, the Department sent Respondent a letter stating Respondent must immediately cease providing acupuncture services.

5. Respondent admitted to providing acupuncture services, but indicated he only started doing acupuncture services after he completed a 103-hour course called "Chiropractic Acupuncture" in 2015.

6. Respondent stated he stopped providing acupuncture services after he received the May 24, 2018 letter from the Department.

7. During the investigation, the Department requested Respondent's continuing education (CE) course certifications for the 2015-2016 biennium.

8. Respondent provided CE certifications for twenty (20) CE credits during the 2015-2016 biennium.

9. Respondent falsely reported on his renewal application that he completed 40 hours of approved CE credits for the 2015-2016 biennium.

10. Respondent's license to practice as a chiropractor expired on December 15, 2016, and was not renewed until February 6, 2017.

11. Respondent admitted he was working as a chiropractor from December 15, 2016, through February 6, 2017, even though his license was expired.

12. In December 2018, Respondent failed to report all 48 CE credits earned in 2018 during his license renewal.

13. Respondent only reported 36 CE credits earned in 2018, and as a result Respondent's license expired on December 17, 2018, and remained expired until it was renewed on July 12, 2019.

14. Respondent worked as a chiropractor from December 17, 2018, through July 12, 2019, even though his license was expired.

15. Respondent completed additional CE credits in 2018 to come into compliance regarding his missing CE credits from the 2015-2016 biennium.

16. 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, Andrew D. Kiefert, D.C., violated Wis. Admin. Code § Chir 6.02(4), by practicing or attempting to practice beyond the scope of a license issued by the board, including but not limited to acts prohibited under s. Chir 4.05(1).
3. By the conduct described in the Findings of Fact, Andrew D. Kiefert, D.C., violated Wis. Admin. Code § Chir 6.02(16), by aiding or abetting or permitting unlicensed persons in the practice of chiropractic.
4. By the conduct described in the Findings of Fact, Andrew D. Kiefert, D.C., violated Wis. Admin. Code § Chir 6.02(18), by obtaining or attempting to obtain a license through fraud or misrepresentation or making any material misstatement, omission or falsification in connection with an application for a license, registration or renewal.
5. As a result of the above conduct, Andrew D. Kiefert, D.C., is subject to discipline pursuant to Wis. Stat. § 446.03(5).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Andrew D. Kiefert, D.C., is REPRIMANDED.
3. Within 120 days from the date of this Order, Andrew D. Kiefert, D.C., shall pay COSTS of this matter in the amount of \$733.00.
4. Request for approval of courses, proof of successful course completion 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

You may also submit this information online via DSPS' Monitoring Case Management System, here:

<https://app.wi.gov/DSPSMonitoring>

5. In the event Respondent violates any term of this Order, Respondent's license (4034-12), 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.

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

WISCONSIN CHIROPRACTIC EXAMNING BOARD

by: 
A Member of the Board

11/21/2019
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ANDREW D. KIEFERT, D.C.,
RESPONDENT.

STIPULATION

ORDER 0006560

Division of Legal Services and Compliance Case No. 17 CHI 026

Respondent Andrew D. Kiefert, 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 Mario Mendoza.


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.

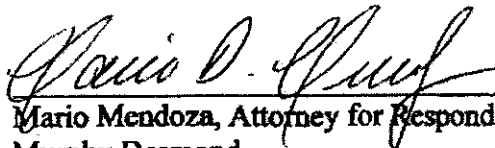
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



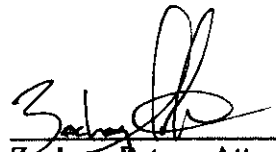
Andrew D. Kiefer, D.C., Respondent
1260 Centennial Centre Blvd
Green Bay, WI 54155
License no. 4034-12

9/30/19
Date



Mario Mendoza, Attorney for Respondent
Murphy Desmond
33 E Main Street, Suite 500
PO Box 2038
Madison, WI 53701

9/30/19
Date



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

9/30/19
Date