

## 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
KENNETH J. KRIESER, D.C.,	:	FOR REMEDIAL EDUCATION
LICENSEE.	:	<b>ORDER 0006735</b>

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Division of Legal Services and Compliance Case No. 18 CHI 009

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

Kenneth J. Krieser, D.C.  
Nashotah, WI 53058

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. Licensee Kenneth J. Krieser, D.C., (DOB: xx/xx/1980) is licensed in the state of Wisconsin as a chiropractor, having license number 4167-12, first issued on December 13, 2005, and current through December 14, 2020. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Nashotah, Wisconsin.

2. At all times relevant to this proceeding, Licensee was employed as a chiropractor in the state of Wisconsin.

3. On August 30, 2018, the Board's screening panel considered a complaint submitted by a former patient of Licensee who received treatment from March 11, 2011, through March 24, 2011, and again from June 15, 2012, through April 18, 2017.

4. The Screening Panel had requested all billing and treatment records from Licensee that were related to the patient.

5. Prior to screening, Licensee's counsel provided the treatment records from the June 2012 visits and later, but stated that the earlier records were not available "because prior treatment records were destroyed in the ordinary course of [Licensee's] business as part of his office destruction policy."

6. The Screening Panel found "no violation" in relation to the substantive allegations of the complaint but opened the matter for investigation into the unavailability of the March 2011 records.

7. On November 9, 2018, Licensee's counsel provided a copy of Licensee's office record destruction policy as available in Licensee's office manual. This policy stated that records older than 10 (Medicare) or 7 (non-Medicare) years old were to be shredded and disposed of.

8. The last notation in the patient's record was dated April 18, 2017; therefore, three years after the date of the last notation in the patient's records would be April 18, 2020. Seven years after the patient's last treatment would be April 18, 2024.

9. Licensee's counsel's response stating that the records from March 2011 had been destroyed was dated July 23, 2018.

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, Kenneth J. Krieser, D.C., shall at his own expense take and successfully complete eight (8) hours of education on the topic of patient records, to include retention and destruction policies and procedures, 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. None of the education completed pursuant to this requirement may be used to satisfy any education requirements that have been or may be instituted by the Board or Department.

- c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Licensee. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.

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  
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://dpsmonitoring.wi.gov>

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

WISCONSIN BOARD OF NURSING

by: Jeffrey King D.C.  
A Member of the Board

4/2/2020  
Date

STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF THE LICENSE OF :

KENNETH J. KRIESER, D.C.,  
LICENSEE. :

STIPULATION

**ORDER 0006735**

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Division of Legal Services and Compliance Case No. 18 CHI 009

Licensee Kenneth J. Krieser, 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. Licensee is represented by Attorney Patrick Lubenow.

4. Licensee agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (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.

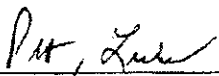
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee, for purposes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

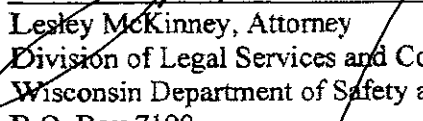
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Kenneth J. Krieser, D.C., Licensee  
Nashotah, WI 53058  
License No. 4167-12

3/10/2020  
Date

  
Patrick Lubenow, Attorney for Respondent  
Smithamundsen  
330 E Kilbourn Ave, Suite 1100, Tower 1  
Milwaukee, WI 53202

3/10/2020  
Date

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

3/11/2020  
Date