

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

CURT J. DRAEGER, D.C.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 00078 12

Division of Legal Services and Compliance Case No. 21 CHI 010

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

Curt J. Draeger, D.C.
Antigo, WI 54409

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 Curt J. Draeger, D.C., (Year of Birth 1961) is licensed in the state of Wisconsin as a chiropractor, having license number 2183-12, first issued on November 17, 1986, and current through December 14, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Antigo, Wisconsin 54409.

2. On February 22, 2021, Respondent spoke to a 63-year-old female (Patient A) regarding symptoms of joint and muscle pain, brain fog, and frequent headaches that she attributed to a prior COVID-19 infection. Respondent told Patient A that he could provide her with high intensity laser treatment (HILT) to address her musculoskeletal and joint complaints as well as inflammation.

3. Patient A did not want to come to Respondent's office for treatment because she was afraid of contracting COVID-19 again. Respondent informed Patient A that he could rent the HILT machine to her for \$2,400 per week. Respondent states that he agreed to rent the HILT machine to Patient A as a favor due to the pandemic and because she was a friend of his wife and a former patient (last seen in 2017).

4. On February 23, 2021, Patient A and her husband arrived at Respondent's clinic after hours to pick up the HILT machine.

5. Patient A and her husband state that Respondent briefly demonstrated how to use the machine, told them that it could be used anywhere and as much as desired, and that they only needed to use the safety glasses if they put the laser directly over the eyes. Both Patient A and her husband recall that this meeting lasted 15 minutes or less.

6. Respondent maintains that when Patient A picked up the HILT machine, he provided specific verbal instructions to Patient A on how to use the laser with directions, warnings, and risks and benefits.

7. Respondent did not complete a medical history nor conduct a physical assessment or evaluation of Patient A prior to sending the HILT machine home with her on February 23, 2021.

8. Patient A returned the HILT machine to Respondent's clinic on March 1, 2021.

9. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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. Based on the Findings of Fact, Respondent engaged in unprofessional conduct by practicing in a manner which substantially departs from the standard of care ordinarily exercised by a chiropractor, pursuant to Wis. Admin. Code § Chir 6.02(3).

3. Based on the Findings of Fact, Respondent engaged in unprofessional conduct by failing to conduct a competent assessment, evaluation, or diagnosis as a basis for treatment or consultation, pursuant to Wis. Admin. Code § Chir 6.02(9).

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 446.03(5) and Wis. Admin. Code § Chir 6.02.

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Respondent's license to practice as a chiropractor in the state of Wisconsin (license number 2183-12) is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at his own expense, successfully complete three (3) hours of education on the topic of standard of care, and three (3) hours on the topic of high intensity laser treatments and patient safety, offered by a provider pre-approved by the Board monitoring liaison, including taking and passing any exam offered for the courses. Respondent may attend the required courses via Zoom or other web conference platform as long as the courses otherwise meet the requirements set forth.
- b. Respondent 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 continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- c. The Board monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,717.00.

5. Any requests for pre-approval, proof of course completion, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license (number 2183-12), 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: Kristen Clark, D.C.
A Member of the Board

2/3/2022
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CURT J. DRAEGER, D.C.,
RESPONDENT.

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STIPULATION

ORDER 0007812

Division of Legal Services and Compliance Case No. 21 CHI 010

Respondent Curt J. Draeger, 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 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.


Curt J. Draeger, D.C., Respondent
Antigo, WI 54409
License No. 2183-12

12-6-21
Date


Linda Meagher, Attorney for Respondent
Gass Turck LLC
241 North Broadway, Suite 300
Milwaukee, WI 53202

12/06/2021
Date


Carley Peich Kiesling, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

12/09/2021
Date