

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

DONNA J. BROWN, D.C.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0008ⁿ 33

Division of Legal Services and Compliance Case No. 21 CHI 013

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

Donna J. Brown, D.C.
Lake Geneva, WI 53147

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 Donna J. Brown, D.C., (Year of Birth 1959) is licensed in the state of Wisconsin as a chiropractor, having license number 2243-12, first issued on July 27, 1987, 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 Lake Geneva, Wisconsin 53147.

2. At all times relevant to this proceeding, Respondent worked as a chiropractor at a wellness center located in Lake Geneva, Wisconsin (Facility).

3. On April 15, 2019 and November 13, 2019, a female patient born in 1950 (Patient A) signed forms expressing her consent to receive treatment from Respondent. Neither of the forms included information about alternate modes of treatment or the benefits and risks of treatment.

4. On November 12, 2020, Respondent performed an adjustment on Patient A to treat sacroiliac joint and upper back pain. Broken ribs are a known risk of the technique used by Respondent.

5. After the adjustment, Patient A complained of pain, and Respondent found that two ribs were tender to palpitation, but pushing on the thorax over the ribs did not elicit pain. After Patient A left, Respondent called Patient A and left a voicemail informing her that a rib could fracture during an adjustment, and that may have happened during her treatment.

6. On November 18, 2020, Patient A informed Respondent that she received an x-ray that showed fractures on her 3rd and 4th ribs.

7. 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. By the conduct described in the Findings of Fact, Respondent failed to inform a patient about the availability of reasonable alternate modes of treatment and about the benefits and risks of these treatments in violation of Wis. Stat. § 446.08.

3. By the conduct described in the Findings of Fact, Respondent failed to inform the patient about the availability of reasonable alternate modes of treatment and about the benefits and risks of these treatments in violation of Wis. Admin. Code § Chir 13.02.

4. By the conduct described in 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 within the meaning of Wis. Admin. Code § Chir 6.02(3).

5. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 446.03(5).

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 2243-12) is LIMITED as follows:

- a. Within 90 days of the date of this Order, Respondent shall at their own expense, successfully complete two hours of education on the topic of informed consent offered by a provider pre-approved by the Board monitoring liaison, including taking and passing any exam offered for the courses.
 - 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 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$722.00.
 5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

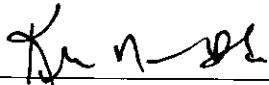
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

6. In the event Respondent violates any term of this Order, Respondent's license (number 2243-12), or Respondent's right to renew her 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

06-30-2012
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DONNA J. BROWN, D.C.,
RESPONDENT.

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STIPULATION

ORDER UOU8ⁿ 33

Division of Legal Services and Compliance Case No. 21 CHI 013

Respondent Donna J. Brown, 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 David McFarlane.

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.

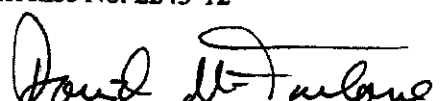
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.


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


Donna J. Brown, D.C., Respondent
Lake Geneva, WI 53147
License No. 2243-12

4-13-22
Date


David McFarlane, Attorney for Respondent
Bell Moore & Richter SC
345 W Washington Ave, Ste 302
Madison, WI 53703

4/13/2022
Date


Nicholas Dalla Santa, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

April 19, 2022
Date