

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

MARK A. MEISTER, D.C.
RESPONDENT.

:
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: FINAL DECISION AND ORDER
:
:

ORDER 0008383

Division of Legal Services and Compliance Case No. 21 CHI 024

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

Mark A. Meister, D.C.
Sun Prairie, WI 53590

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. Mark A. Meister, D.C. (Respondent), (Year of Birth 1961) is licensed in the state of Wisconsin as a chiropractor, having license number 3274-12, first issued on July 13, 1995 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 Sun Prairie, Wisconsin 53590.

2. At all times relevant to this proceeding, Respondent owned and operated a chiropractic practice located in Sun Prairie, Wisconsin 53593 (Facility).

3. On November 2, 2021, Respondent was charged in Dane County Circuit Court, Case Number 21CF2543, with 15 counts of MA-Fraud/Benefit Application, felonies, in violation

of Wis. Stat. § 946.91(2)(a), and 1 count of Theft-False Representation > \$10,000-\$100,000, a felony, in violation of Wis. Stat § 943.20(1)(d).

4. According to the criminal complaint, between January 2018 and April 2021, Respondent allegedly submitted approximately 1,654 false claims for payment to the Wisconsin Medicaid program and received approximately \$40,000 in Medicaid payments which he was not entitled to for patients he did not treat.

5. On September 26, 2022, Respondent pled guilty to one (1) count of MA-Fraud/Benefit Application and one (1) count of Theft-False Representation > \$10,000-\$100,000. Respondent was sentenced to two years of probation. Probationary terms included a prohibition against Respondent enrolling as a provider for any government funded healthcare program or accepting payments as a provider from any government healthcare program. Respondent was also ordered to complete a needs assessment and to comply with care plan goals related to prioritized need areas which have been identified.

6. Respondent has reimbursed the State for the full amount of the false billing claims.

7. Respondent has attributed the acts which constituted the crimes to personnel he had hired to perform billing functions for the office. He has converted his practice to "Non-Credit/Wellness Care" and no longer accepts insurance payments or intends to bill insurance or any governmental entity.

8. During the pendency of this action, Respondent completed the 12-hour course, "Avoiding Malpractice: The Prevention of Medical Errors & Risk Management." This course included two (2) hours of education in medical errors, three (3) hours in risk management, one (1) hour in board-related laws and rules, and six (6) hours of recordkeeping, documentation, and coding.

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. § 446.04 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 violated Wis. Admin. Code § Chir 6.02(14) by obtaining or attempting to obtain any compensation for chiropractic services by fraud, including billing for services not rendered or submitting a claim for a fraudulent diagnosis.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Chir 6.02(26) by violating a law or aiding or abetting the violation of any law substantially related to the practice of chiropractic.

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 446.04.

ORDER

1. The attached Stipulation is accepted.
2. Respondent's license to practice as a chiropractor in the state of Wisconsin (license no. 3274-12) is **SUSPENDED** for twenty-one (21) days from the date of this order.
3. The Board accepts Respondent's completion of the 12-hour course, "Avoiding Malpractice: The Prevention of Medical Errors & Risk Management," as satisfaction of any education the Board would have otherwise ordered.
4. Respondent's license to practice as a chiropractor in the state of Wisconsin (license no. 3274-12) is further **LIMITED** as follows for a term of two (2) years:
 - a. Respondent may not bill to insurance or Medicare/Medicaid for any chiropractic services performed.
 - b. Respondent must adhere to all terms of his probation in Dane County Circuit Court Case Number 21CF2543.
 - c. Respondent must submit quarterly reports signed by a Board-approved supervisor/mentor who reviews Respondent's billing, including any applicable coding, to ensure it reflects treatment and services rendered.
 - d. Respondent must inform the Board of any change in employment while under the limitations of the Order and present this Order to any employer who will acknowledge in writing the receipt of the Order.
5. Within ninety (90) days from the date of this Order, Respondent shall pay **COSTS** of this matter in the amount of \$780.00.
6. 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>.

7. In the event Respondent violates any term of this Order, Respondent's license (number 3274-12) 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.

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

WISCONSIN CHIROPRACTIC EXAMINING BOARD

By:  Date 2/2/2023
A Member of the Board

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARK A. MEISTER, D.C.,
RESPONDENT.

:
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:

STIPULATION

ORDER 000838

Division of Legal Services and Compliance Case No. 21 CHI 024

Mark A. Meister, D.C. (Respondent) 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

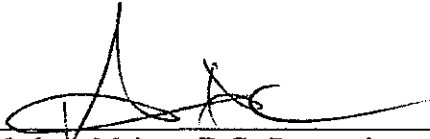
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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.

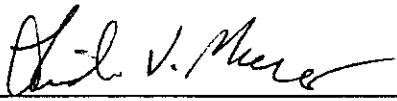
8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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.




Mark A. Meister, D.C., Respondent
Sun Prairie, WI 53590
License No. 3274-12

12-22-22
Date



Linda Meagher, Attorney for Respondent
Gass Turek LLC
241 North Broadway Ste 300
Milwaukee, WI 53202

12/29/2022
Date



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

1/3/2023
Date