

Author: Attorney Dan A. Riegleman  
N63 W23965 Main Street  
Sussex, Wisconsin 53089  
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## **Wisconsin Examining Boards Matrix of Suggested Disciplinary Action for various types of Regulatory Violations**

In the Spring of 2011, an attorney with the Division of Enforcement proposed guidelines or a "matrix" of suggested forms of discipline which vary with the type of violation committed by a chiropractor. This matrix was intended to provide a means of insuring that the discipline imposed by the Board was consistent and predictable. After several meetings to review the proposed matrix, the Chiropractic Examining Board ultimately decided to use the matrix only as a "guideline" for imposing discipline.

Although the matrix was never formally adopted by the Board, it can be referenced as a tool in determining the type of sanction or discipline which may be imposed upon a chiropractor violating a regulatory provision.

### **The "disciplinary action matrix" is attached.**

Unfortunately, the investigation and processing of complaints can be very time consuming. Many times, chiropractors under investigation may need to wait years before the Board approves a disposition of the complaint. Although there is no statutory or administrative guideline on the length of time a complaint can be pending before the Board, the department set an "informal" goal of closing all cases within eighteen months of the case being opened. This position was presented to the Chiropractic Examining Board during its meeting of November 12, 2009.

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Wisconsin Chiropractic Examining Board - Disciplinary Action Matrix  
Spring 2011

Type of Violations	Citations	Examples	SANCTION		
			1st offense	2nd offense	3rd offense
Ethics					
Treatment which poses danger to health and safety of patient	6.02(1)	Any treatment which poses a substantial risk of injury to a patient.	If no harm, Reprimand, CE, costs	1 month suspension	Revocation
Inappropriate sexual contact	6.02(7)	Any sexual contact with a patient for any sexual or sexual-related purposes that is not appropriate.	Suspension	Revocation	
Excessive evaluation/treatment	6.02(8)	Any evaluation or treatment in excess of what is necessary for the patient's condition.	If no intent, Reprimand, CE - JP exam, costs. If intent, 1 month suspension.	Extended Suspension	Revocation
Disclosure of confidential information	6.02(10)	Disclosure of confidential information to a third party without the patient's informed consent.	Reprimand, JP exam, costs	1 month suspension	Revocation
Discrimination	6.02(11)	Refusal to provide services to a patient solely on the basis of race, sex, religion, or ethnicity.	Suspension	Revocation	
False records	6.02(12)	Falsifying records.	Suspension	Revocation	
Impersonation	6.02(13)	Any impersonation of a chiropractor or health care provider.	Revocation		
Fraud	6.02(14)	Any fraudulent activity, including but not limited to: billing for services not rendered, or any other deceptive practice.	If no intent, Reprimand, CE - JP exam, 10 CE in billing and record keeping, costs. If intent, 1 month suspension.	Revocation	
Advertising	6.02(15)	Any advertising or promotional activity that is false, deceptive, or misleading, or that contains any untrue or exaggerated claims, or that contains any untrue or exaggerated claims, or that contains any untrue or exaggerated claims.	Reprimand, JP exam, costs	1 month suspension	6 month suspension
Assisting unlicensed Practice	6.02(16)	Any assistance in the practice of chiropractic by an unlicensed person.	Reprimand, JP exam, costs	1 month suspension	6 month suspension
Fraudulent procurement of license	6.02(18)	Obtaining or attempting to obtain a license through fraudulent means, including but not limited to: falsification of documents, or any other deceptive practice.	Revocation		
Failure to cooperate	6.02(19)	Failure to cooperate with the Board in the investigation of a complaint.	Reprimand, JP exam, costs	1 month suspension	6 month suspension
Fraudulent cooperation	6.02(20)	Cooperating with the Board in the investigation of a complaint, but only for the purpose of evading or avoiding disciplinary action.	1 month suspension	6 month suspension	Revocation

\*\*\*This is guidance intended to assist board advisors in enforcement cases.\*\*\*

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Reporting discipline	6.02(21)	Failing to timely file a report to any of the following: state, national or other agency; failure to file a disciplinary action report.	Reprimand, JP exam, same discipline as other agency or state, costs	1 month suspension	6 month suspension
Reporting limitations and revocation	6.02(22)	Failure to report a criminal conviction or suspension of a license to any of the following: state, national or other agency; failure to file a disciplinary action report.	Reprimand, JP exam, same discipline as other agency or state, costs	1 month suspension	6 month suspension
Reporting criminal convictions	6.02(23-24)	Failing to timely file a report to any of the following: state, national or other agency; failure to file a disciplinary action report.	Reprimand, JP exam, costs	1 month suspension	6 month suspension
Violations of any rule of the board	6.02(25)	Any violation of the Board's rules or regulations.	discretionary based on violation		
CE shortfalls	6.02(25)	Improper use of CE credits or failure to report CE credits.	Reprimand, 4 times the credits missed or unauthorized, costs		
Violations of the law	6.02(26)	Any violation of the law or statute which is a crime or misdemeanor.	discretionary based on violation		
Records retention	6.02(27)	Failure to maintain the records for the required period of time.	Reprimand, JP examination, 10 credits in record keeping CE, costs	1 month suspension	6 month suspension
Release of records to patients	6.02(28)	Failure to release records to patients in compliance with Wisconsin law.	Reprimand, JP examination, 10 credits in record keeping CE, costs	1 month suspension	6 month suspension
Co-payment violations	6.02(29)	Any violation of the co-payment rules or regulations.	If no intent, Reprimand, CE - JP exam, 10 CE credits in record keeping CE, costs	3 month suspension	Revocation
Cheating on tests	6.02(30)	Any violation of the rules or regulations regarding cheating on tests.	6 months suspension	Revocation	
Nutritional Misrepresentations	6.02(31)	Any violation of the rules or regulations regarding nutritional misrepresentations.	Reprimand, JP exam, costs	1 month suspension	6 month suspension
Competence					
Competency	6.02(2)	Any practice or attempt to practice beyond the scope of the licensee's training, education, or experience.	discretionary based on violation		
Standard of care	6.02(3)	Any practice or attempt to practice which is below the standard of care.	discretionary based on violation		
Practice beyond the scope of license	6.02(4)	Any practice or attempt to practice beyond the scope of the licensee's training, education, or experience.	discretionary based on violation		
Impairment	6.02(5)	Any practice or attempt to practice while impaired by alcohol, drugs, or other substances.	Stayed Suspension - standard impairment order or PAP, CE and costs	Revocation	

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Inconsistent practice	6.02(6)	Any practice inconsistent with the standards of the profession.	discretionary based on violation		
Competent Assessment	6.02(9)	Failure to conduct a competent assessment/evaluation of a patient's condition prior to diagnosis.	discretionary based on violation		
Delegation	6.02(17)	Failure to exercise appropriate judgment in delegating tasks to staff.	Reprimand, JP exam, costs	1 month suspension	

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