

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
DAVID M. DOW, D.C., : FINAL DECISION AND ORDER
RESPONDENT. :
 : 0004115

Division of Legal Services and Compliance Case No. 14 CHI 029

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

David M. Dow, D.C.
615 N. Sherman Ave., Ste. 22
Madison, WI 53704

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 David M. Dow, D.C., (DOB October 8, 1967) is licensed in the state of Wisconsin to practice chiropractic, having license number 3030-12, first granted on December 2, 1993 and current through December 14, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 615 North Sherman Avenue, Suite 22, Madison, Wisconsin 53704.

2. At all times relevant to this proceeding, Respondent was employed as a chiropractor at David Dow Chiropractic, S.C., located in Madison, Wisconsin.

3. On August 1, 2014, Patient A presented to Respondent as a new patient for hip pain.
4. Respondent provided 27 treatments to Patient A between August 1 and October 20, 2014.
5. Respondent documented Patient A's pain scale at 7/10 or above 19 times. On September 26, 2014, Patient A's pain scale rating was documented as 3/10.
6. Over the course of 27 treatments, Patient A showed no signs of improvement in her condition.
7. On August 1, 2014, Respondent documented that a re-evaluation was to be performed on every 12th visit or within two months of the last evaluation; under these terms Respondent should have re-evaluated Patient A on September 12, 2014 and October 13, 2014.
8. Respondent failed to re-evaluate Patient A's condition at any time during the course of treatment.
9. A review of Patient A's treatment records revealed Respondent failed to document the following:
 - a. informed consent;
 - b. treatments provided; and
 - c. radiograph findings.
10. After the October 20, 2014 appointment, Patient A discontinued treatment with Respondent because she was not progressing.
11. Respondent failed to release Patient A's treatment records in a timely manner after a request by Patient A and a subsequent provider.
12. In resolution of this matter, Respondent David M. Dow, D.C., consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining 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, David M. Dow, D.C., violated Wis. Admin. Code § Chir 11.02(1), by failing maintain complete and comprehensive patient records.

3. By the conduct described in the Findings of Fact, David M. Dow, D.C., violated Wis. Admin. Code § Chir 11.02(3), by failing to prepare patient records in substantial compliance with the requirements of this chapter.

4. By the conduct described in the Findings of Fact, David M. Dow, D.C., violated Wis. Admin. Code § Chir 11.02(5), by failing to include documentation of informed consent of the patient.

5. By the conduct described in the Findings of Fact, David M. Dow, D.C., violated Wis. Admin. Code § Chir 11.04, by failing to document all treatments and services rendered, and any significant changes in the subjective presentation, objective findings, assessment or treatment plan for the patient.

6. By the conduct described in the Findings of Fact, David M. Dow, D.C., engaged in unprofessional conduct as defined in Wis. Admin. Code § Chir 6.02(3), by practicing in a manner which substantially departs from the standard of care ordinarily exercised by a chiropractor.

7. By the conduct described in the Findings of Fact, David M. Dow, D.C., engaged in unprofessional conduct as defined in Wis. Admin. Code § Chir 6.02(8), by engaging in excessive treatment evaluation or treatment of a patient.

8. By the conduct described in the Findings of Fact, David M. Dow, D.C., engaged in unprofessional conduct as defined in Wis. Admin. Code § Chir 6.02(25), by violating any provision of ch. 446, Stats., or any rule or order of the board.

9. By the conduct described in the Findings of Fact, David M. Dow, D.C., engaged in unprofessional conduct as defined in Wis. Admin. Code § Chir 6.02(28), by failing to release patient health care records to a patient in accordance with § 146.83, Stats.

10. As a result of the above violations, David M. Dow, D.C., is subject to discipline pursuant to Wis. Stat. § 446.03(5).

ORDER

1. The attached Stipulation is accepted.
2. Respondent David M. Dow, D.C., is REPRIMANDED.
3. The license to practice chiropractic issued to David M. Dow, D.C., (license number 3030-12) is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete twelve (12) hours of education on the topic of documentation and record keeping offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

- b. Respondent shall submit proof of successful completion of the ordered 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. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.
4. Within ninety (90) days from the date of this Order, David M. Dow, D.C., shall pay COSTS of this matter in the amount of \$400.00.

5. Request of approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

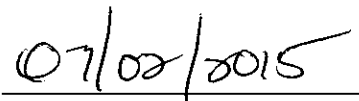
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 3030-12) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and submitted proof of successful completion of the ordered education.

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

WISCONSIN CHIROPRACTIC EXAMINING BOARD

by: 
A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DAVID M. DOW, D.C.,
RESPONDENT.

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:
:
:
:

STIPULATION

0004115

Division of Legal Services and Compliance Case No. 14 CHI 029

Respondent David M. Dow, 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.

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, 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.

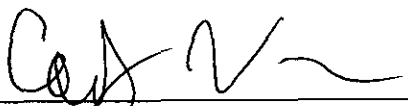
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



David M. Dow, D.C., Respondent
615 N. Sherman Ave, Suite 22
Madison, WI 53704
License no. 3030-12

6/1/15

Date



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

6/3/15

Date