

**BEFORE THE MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS**

In the Matter of
Steven Richard Wiseth, D.C.
License No. 5506

**STIPULATION AND CONSENT ORDER
FOR VOLUNTARY SURRENDER**

STIPULATION

Steven R. Wiseth, D.C., (“Respondent”), and the Minnesota Board of Chiropractic Examiners Complaint Panel (“Panel”) agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

A. The Minnesota Board of Chiropractic Examiners (“Board”) is authorized pursuant to Minnesota Statutes sections 148.01 to 148.108 to license and regulate chiropractors and to take disciplinary action as appropriate.

B. Respondent holds a license from the Board to practice chiropractic in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Order.

II.

CONFERENCE

On October 21, 2014, Respondent and his attorney, Todd A. Crabtree, Crabtree Law, Vergas Minnesota, appeared before the Panel, composed of Robert P. Daschner, DC, Board member, and Howard A. Fidler, Board Member, to discuss allegations contained in a Notice of

Conference dated June 17, 2014. Jennifer R. Coates, Assistant Attorney General, represented the Panel at the conference.

III.

FACTS

The parties agree this Stipulation and Order is based upon the following facts:

A. Respondent engaged in several marketing promotions to attract patient to his Thief River Falls, Minnesota clinic in 2013 and 2014. The promotions included a “Valenspines Day” special, a “March from Madness Referral Campaign,” and “The Healthies” promotion patterned after the “Oscars”. These promotions included opportunities for contestants to win merchandise or chiropractic services. The Valenspines Day promotion included the opportunity for patients to win valuable merchandise including a flat screen TV and an iPad Air. Some of the promotions did not include the disclaimer for Medicare and Medicaid patients or Workers Compensation patients.

B. At the February 13, 2014, Valenspine’s Day event, Respondent documented treating 254 patients during an estimated 11 hours, some current and some new patients. This is further exacerbated by the fact that Respondent performed 19 New Patient Examinations coded as 99203-25. According to the Current Procedural Terminology book, such exams average approximately one half hour of face-to-face time with the physician. During several 15 minute periods throughout the day, Respondent examined, treated and documented the care for an inordinate number of patients. At the February 13, 2014, Valenspines Day event, Respondent examined and treated 254 patients in eleven hours, 19 of which received an extensive new patient examination and 13 of which received an extensive radiographic study. Respondent documented detailed examination and treatment notes on every patient on that date.

IV.

LAWS

The Panel concludes that the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.10, Subdivision 1(a) (11), (14), (19), and (e)(4), and (6) for purposes of this Stipulation and Order only and justifies the action described in section V. below. Respondent agrees that the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.10 if proven by the Panel at a contested case hearing but agrees to enter into this Stipulation and Order for purposes of settlement.

V.

REMEDY

NOW, THEREFORE, IT IS FURTHER STIPULATED AND AGREED that upon this Stipulation, and without further notice or additional proceedings, the Board may, in its discretion, adopt and implement the following Order:

A. NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent hereby **VOLUNTARILY SURRENDERS** his chiropractic license effective on April 13, 2017. Respondent shall not engage in any act which constitutes the practice of chiropractic as defined in Minnesota Statutes section 148.01 (2016) and shall not imply by words or conduct that he is authorized to practice chiropractic. Within the state of Minnesota, Respondent shall not provide, direct, or assist in the provision of chiropractic care to any person or engage in any other procedure or practice which may be undertaken in this state only by licensed health personnel or by the lawful delegates, assistants, technicians, or aids of such personnel.

B. Not sooner than three (3) years from April 13, 2017, Respondent may petition for reinstatement of his license. The burden of proof shall be upon Respondent to demonstrate by a

preponderance of the evidence that he has complied with the terms of this Order and is capable of practicing chiropractic in a safe and competent manner. At the time of Respondent's petition, Respondent shall meet with a Complaint Panel to review and evaluate his compliance with this order, his evidence of fitness to practice, and terms for reinstatement. The meeting with the Complaint Panel shall be scheduled after Respondent has complied with, at a minimum, the following.

1. Respondent shall enroll in and successfully complete within 60 days of any petition, The Center for Personalized Education for Physicians (CPEP) Professional/Problem-Based Ethics (ProBE) course with a rating of *unconditionally passed*. Information on this course may be found at www.cpepdoc.org.

2. Respondent shall enroll in and successfully complete within 60 days of any petition, the Ethics and Boundaries Assessment (the "EBAS Exam") with a passing score in all areas. Information on this course may be found at www.ebas.org.

3. Any other conditions reasonably requested by the panel as a means of verifying Respondent's ability to return to practice with reasonable skill and safety to the public.

4. Respondent is responsible for the cost of compliance with all of the conditions of this Order.

5. Respondent shall meet all re-licensure requirements in effect at the time of his petition for reinstatement including application, fees, interim fees, continuing education units, and/or Special Purposes Examination in Chiropractic (SPEC).

C. The Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement of his Voluntarily Surrendered license take any of the following actions:

1. Issue an Order granting Respondent an unrestricted chiropractic license;

2. Issue an Order granting Respondent a chiropractic license with limitations upon the scope of Respondent's practice and/or with conditions for Respondent's practice; or

3. Deny Respondent's reinstatement of his chiropractic license upon his failure to meet the burden of proof.

VI.

ADDITIONAL INFORMATION

A. In the event Respondent should leave Minnesota to reside or to practice outside of the state, Respondent shall give the Board written notification of the new location, as well as dates of departure and return.

B. Respondent waives the contested case hearing and all other procedures before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, or rules.

C. Respondent waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Order, which may otherwise be available to Respondent.

D. This Stipulation and Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

E. Either party may seek enforcement of this Stipulation and Order in any appropriate civil court.

F. Respondent has read, understands, and agrees to this Stipulation and Order of Voluntary Surrender and has voluntarily signed the Stipulation and Order. Respondent is aware

this Stipulation and Order must be approved by the Board before it goes into effect. The Board may approve the Stipulation and Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Respondent, the Stipulation and Order will take effect and the order as modified will be issued. If the changes are unacceptable to Respondent or the Board rejects the Stipulation and Order, it will be of no effect except as specified in the following paragraph.

G. Respondent agrees that if the Board rejects this Stipulation and Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Order or of any records relating to it.

H. This Stipulation and Order shall not limit the Board's authority to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VII.


DATA PRACTICES NOTICES

A. This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

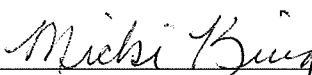
B. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

BOARD OF CHIROPRACTIC EXAMINERS
REVIEW PANEL



Steven R. Wiseth, D.C.
Respondent



Michelle T. King
Executive Director

Dated: 3/29, 2017

March 29, 2017

ORDER

Upon consideration of the Stipulation, the Board, places Respondent's license in a VOLUNTARILY SURRENDERED status, and adopts all of the terms described above effective on this 13th day of April 2017.

MINNESOTA BOARD
OF CHIROPRACTIC EXAMINERS



Robert P., Daschner, DC
Board President