

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

FILE COPY

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

NANCY ANN KERMATH, M.D.,
RESPONDENT.

FINAL DECISION
AND ORDER
90 MED 512

The parties to this proceeding for the purposes of Wis. Stats.,
sec. 227.53 are:

Nancy Ann Kermath, M.D.
3670 Gettysburg Avenue South #70
St. Louis Park, MN 55426

Wisconsin Medical Examining Board
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter, Nancy Ann Kermath, M.D., Respondent, and Pamela M. Stach, Attorney for Complainant, agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Medical Examining Board. The Board has reviewed the Stipulation and considers it acceptable. Accordingly, the Wisconsin Medical Examining Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Nancy Ann Kermath, Respondent herein, 3670 Gettysburg Avenue South #70, St. Louis Park, Minnesota, 55426, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license number 26575 which was granted on February 1, 1985.
2. Respondent is duly licensed to practice medicine and surgery in Minnesota.
3. Respondent specializes in the practice of psychiatry.
4. On July 7, 1990, the Minnesota Board of Medical Practice restricted Respondent's license to practice medicine and surgery in that state based upon findings of alcohol and drug abuse and mental impairment.

5. The Minnesota Order placed the following restrictions on Respondent's license:

a. Respondent shall abstain completely from alcohol and all mood-altering chemicals unless they are prescribed by a treating physician or dentist who has been informed of Respondent's drug use history;

b. Respondent shall attend Alcoholics Anonymous meetings on a weekly basis. Quarterly reports shall be submitted to the Board from Respondent's Alcoholics Anonymous sponsor(s) regarding her attendance and progress;

c. Respondent shall regularly attend meetings of Physicians Serving Physicians on a monthly basis. Quarterly reports shall be submitted to the Board from Respondent's Physicians Serving Physicians sponsor(s) regarding her attendance and progress;

d. Respondent shall attend a Manic-Depressive Association support group on a monthly basis. Quarterly reports shall be submitted to the Board from another member of the Manic-Depressive Association regarding her attendance and progress;

e. Respondent shall see a psychiatrist approved by the Board Complaint Review Committee as often as the psychiatrist deems necessary. Monthly reports shall be submitted to the Board from the psychiatrist regarding the stability of Respondent's mental health, her sobriety, and her progress under the terms of this Stipulation and Order.

f. Respondent shall make arrangements with a supervising physician, approved by the Board Complaint Review Committee to order, without notice, random blood and urine tests of Respondent, but no less frequently than three urine screens and one blood screen a month. The blood and urine screens shall be:

- 1) Observed in their drawing;
- 2) Handled through legal chain of custody methods;
- 3) Paid for by Respondent.

The biological fluid testing shall take place at Hennepin County Medical Center, 701 Park Avenue South, Minneapolis, Minnesota 55415, and shall screen for opiates, cocaine, barbiturates, amphetamines, benzodiazepines, marijuana, and other drugs of abuse, including alcohol. If the blood and urine testing is to be completed through the mail, the drug screening tests used must be those obtained from Hennepin County Medical Center. All blood and urine tests processed through the mail must be directed to the attention of Calvin Bandt, M.D., at Hennepin County Medical Center;

g. The supervising physician shall meet with Respondent on a monthly basis to review her progress under the terms of this Stipulation and Order and report to the Board the results of those tests and quality of Respondent's medical practice on at least a quarterly basis and

immediately upon becoming aware of any evidence from these tests or otherwise that Respondent has used opiates, cocaine, barbiturates, amphetamines, benzodiazepines, marijuana, and other drugs of abuse, including alcohol;

h. Respondent shall meet on a quarterly basis with designated Board member. Such meetings shall take place at a time mutually convenient to Respondent and the designated Board member. It shall be Respondent's obligation to contact the designated Board member to arrange each of the quarterly meetings. The purpose of such meetings shall be to review Respondent's progress under the terms of this Stipulation and Order;

i. Respondent shall limit her practice to a practice setting approved in advance by the Board Complaint Review Committee.

6. Respondent is in compliance with all terms of the limited license in Minnesota. A copy of a letter from the Minnesota Board of Medical Practice so indicating is attached hereto as Exhibit A.

7. Respondent is currently employed in the private practice of psychiatry at the Abbott-Northwestern Hospital in Minneapolis, Minnesota and is a consulting psychiatrist at Hutchinson Community Hospital, Hutchinson, Minnesota and Unity Hospital, Fridley, Minnesota.

8. Respondent participated in and successfully completed the inpatient program at Hazeldon Rehabilitation Facility, Center City, Minnesota from March 30, 1989 through April 28, 1989. A letter from the Hazeldon facility so indicating is attached as Exhibit B.

9. Respondent participated in and successfully completed the outpatient program of St. Mary's Rehabilitation Center at Riverside, Minneapolis, Minnesota, from July 19, 1989 through September 1, 1989. A copy of a letter from St. Mary's Rehabilitation Center at Riverside indicating successful completion is attached as Exhibit C.

10. Respondent has maintained sobriety since September 16, 1989 and attends a Physicians AA Group at St. Mary's Rehabilitation Center on a weekly basis; a manic-depressive support group in St. Louis Park bi-monthly; and receives weekly therapy and medication monitoring from Karen Dickson, M.D., a psychiatrist.

11. Respondent has no immediate intention of returning to the State of Wisconsin to practice medicine and surgery.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this disciplinary proceeding pursuant to Wis. Stats., sec. 448.02.

2. The Medical Examining Board has the authority to resolve this disciplinary proceeding by Stipulation without commencing a formal disciplinary hearing pursuant to Wis. Stats., sec. 227.44(5).

3. By having her license to practice medicine and surgery in the State of Minnesota restricted by the licensing authority of that state, Respondent is guilty of unprofessional conduct within the meaning of Wis. Stats., sec. 448.02(3) and Wis. Adm. Code 10.02(2)(q).

ORDER

NOW THEREFORE IT IS ORDERED that the Stipulation of the parties is accepted.

IT IS FURTHER ORDERED that the license of Respondent, Nancy Ann Kermath, M.D., to practice medicine and surgery in the State of Wisconsin shall be limited on the following terms and conditions:

1. Respondent shall abstain completely from all alcohol and all mood altering chemicals unless they are prescribed by a treating physician or dentist who has been informed of Respondent's drug use history.

2. Respondent shall remain in compliance with all terms and conditions of the Order of the Minnesota Board of Medical Practice dated July 7, 1990, and any modifications or amendments to that Order. In the event that the existing Order is in any manner modified or amended, Respondent shall immediately provide the Wisconsin Medical Examining Board with a copy of such Order reflecting those changes.

3. Respondent shall simultaneously provide the Wisconsin Medical Examining Board with copies of all reports required to be submitted to the Minnesota Board of Medical Practice under the terms of the Minnesota Board Order dated July 7, 1990, or any amendments or modifications to said Order.

4. Respondent shall provide the Medical Examining Board with a quarterly report from the Minnesota Board of Medical Practice indicating that she is in compliance with all terms and conditions of the Minnesota Board Order. The initial report shall be due on September 1, 1992, and the first day of every third month thereafter.

5. In the event Respondent intends to resume the practice of medicine and surgery in the State of Wisconsin, Respondent shall notify the Wisconsin Medical Examining Board of her intentions not less than ninety (90) days prior to the date of resumption and shall provide the Board with the name and address of the facility where she will be employed. Further, Respondent shall appear before the Medical Examining Board, at its option, prior to resuming the active practice of medicine and surgery in the State of Wisconsin, to satisfy the Board that she is in compliance with all terms and conditions of this Order and the Minnesota Board Order.

6. Respondent shall provide and keep on file with her treating physician and all treatment facilities current releases which comply with state and federal laws authorizing release of her medical and treatment records and reports to the Wisconsin Medical Examining Board and permit

her treating physician to disclose and discuss the progress of her treatment and rehabilitation with the Wisconsin Medical Examining Board. Copies of these releases shall be filed simultaneously with the Wisconsin Medical Examining Board no later than thirty (30) days following the effective date of this Order.

7. All expenses incurred under paragraphs 2 through 6 above, shall be the sole responsibility of Respondent.

8. Respondent may petition the Wisconsin Medical Examining Board for modification of the terms of this limited license. Denial in whole or in part of Respondent's petition shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats., secs. 227.01(3) and 227.42.

IT IS FURTHER ORDERED that, pursuant to the authority of Wis. Stats., sec. 448.02(4), should the Wisconsin Medical Examining Board determine that there is probable cause to believe that Respondent has violated the terms of this Final Decision and Order, the Board may order that the license of Respondent to practice medicine and surgery in the State of Wisconsin be summarily suspended pending investigation of the alleged violation.

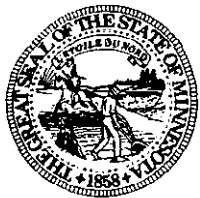
The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 21 day of May, 1992.

WISCONSIN MEDICAL EXAMINING BOARD

B. Ann Neviasek
B. Ann Neviasek, Secretary

PS:pp
ATTY-2053



MINNESOTA BOARD OF MEDICAL PRACTICE

2700 University Avenue West, #106 St. Paul, MN 55114-1080 (612) 642-0538

April 27, 1992

Pamela M. Stach
Division of Enforcement
Wisconsin Department of
Regulation & Licensing
1400 E. Washington Ave.
PO Box 8935
Madison, WI 53708

RE: Nancy Kermath, M.D.

Dear Ms. Stach:

In November 1991, Dr Kermath requested that the Board furnish a summary of Dr. Kermath's compliance with her Minnesota Stipulation and Order to the Wisconsin Board. In reviewing Dr. Kermath's file, it appears that her request may not have received a response.

According to reports from her sponsors, Dr. Kermath regularly attends and participates in AA and PSP meetings, as required by her Order. Reports from her sponsors were received on the following dates:

AA Sponsor:	9/28/90	PSP Sponsor:	11/6/90
	12/21/90		1/18/91
	4/16 91		3/29/91
	7/9/91		7/9/91
	1/6/92		9/27/91
	4/7/92		12/26/91
			4/1/92

As required by her Order, Dr. Kermath has also joined a Manic-Depressive Association support group. Reports, received from her sponsor on 10/12/90, 4/15/91, and 12/30/91, confirmed Dr. Kermath's regular attendance and commended her for her contributions to the group.

Dr. Kermath's Order also requires that she meet with her psychiatrist, as often as her psychiatrist deems necessary, with monthly reports by her psychiatrist to the Board. Reports from Dr. Kermath's therapist were received on 8/9/90, 12/13/90, 1/18/91, 2/8/91, 3/13/91, 4/4/91, 5/7/91, 6/25/91, 7/9/91, 7/29/91, 9/5/91, 10/8/91, 10/30/91, 1/10/92, 2/3/92, and 3/30/92. The reports have consistently stated that Dr. Kermath is keeping her scheduled appointments and doing well in terms of mood stability and ongoing sobriety.

Dr. Kermath's supervising physician has consistently reported that Dr. Kermath is progressing, without incident, under the terms of her Order. Biological screens have been negative for alcohol or controlled substances. Reports were received on 1/13/91, 4/11/91, 5/27/91, 1/24/92, and 4/13/92.

Dr. Kermath met in 9/90 and 1/91 with her designated Board member, whose reports were favorable. Following the January 1991 meeting, Dr. Kermath's designated Board member completed her term on the Board. Dr. Kermath was assigned another Board member to meet with. Unfortunately, Dr. Kermath's new designated Board member experienced a medical condition which prevented him from meeting with Dr. Kermath through December 1991. At that time, it was determined that the Board member would not be reappointed by the Governor and would discontinue service in January 1992. Following the appointment of new Board members in March 1992, Dr. Kermath's designated Board member was again reassigned. Dr. Kermath met with her designated Board member on 4/1/92. Under the circumstances, Dr. Kermath is not considered to be out of compliance with the requirement to meet quarterly with her designated Board member.

I trust this information is helpful. Please forgive the delayed response. If you have any questions or need additional information, feel free to contact me at (612) 642-0536.

Sincerely,



Ruth Martinez
Medical Regulations Analyst

rm
enc.

cc: Nancy Kermath, M.D.



HAZELDEN®

December 18, 1991

Pamela M. Stach
Division of Enforcement
State of Wisconsin
Dept. of Regulation and Licensing
1400 East Washington Avenue
Post Office Box 8935
Madison, Wisconsin 53708

RE: Nancy Ann Kermath, M.D.

Dear Ms. Stach:

This is to inform you that Nancy Kermath, M.D. was admitted as a patient to this rehabilitation facility on March 30, 1989.

She satisfactorily completed our program and was discharged with staff approval on April 28, 1989.

Sincerely,

Connie Robilliard

Connie Robilliard, A.R.T.
Medical Records Department

cc: patient file

NOTE: This information has been disclosed to you from records protected by Federal Confidentiality Rules (42 CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information, unless further disclosure is expressly permitted by the written consent of the patient or the information is otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The information is not to be used for the purpose of investigating or prosecuting any alcohol or drug abuse patient.

HAZELDEN FOUNDATION

P O BOX 11 / CENTER CITY / MN 55012-0011 PHONE 612 / 257-4010 METRO 462-7700

EQUAL OPPORTUNITY EMPLOYER

Exhibit B

This information has been disclosed to you from records whose confidentiality is protected by Federal Law. Federal regulations (42 CFR Part 2) prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A general authorization for release of medical or other information is NOT sufficient for this purpose. PUBLIC LAW 93-282

This is to verify that Nancy Kermath, D.O.B. 1-25-50, was admitted for treatment of chemical dependency at St. Mary's Rehabilitation Center, Minneapolis, Minnesota. This individual participated in the following program(s):

- the Inpatient Program
- the Outpatient Program
- the Outpatient Plus Program

This individual was admitted on 7-19-89 and discharged on 9-1-89

The type of discharge received was:

- Satisfactorily completed treatment
- Discharged without completion
- Behavioral discharge
- Transferred to another chemical dependency program
- Transferred to another type of service
- AMA/Eloped

Comments: _____

Don Moyer
Counselor

9-11-89
Date



STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
NANCY ANN KERMATH, M.D.,	:	90 MED 512
RESPONDENT.	:	

It is hereby stipulated between Nancy Ann Kermath, M.D. and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Nancy Ann Kermath, Respondent herein, 3670 Gettysburg Avenue South, #70, St. Louis Park, Minnesota 55426 is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license number 26575 which was granted on February 1, 1985.

2. Respondent is duly licensed to practice medicine and surgery in Minnesota.

3. Respondent specializes in Psychiatry.

4. A Complaint was filed against and duly served upon Respondent on August 29, 1991.

5. Respondent has read the Complaint and understands the nature of the allegations against her.

6. Respondent is aware of and understands each of the Respondent's rights including the right to a hearing on the allegations against her at which time the state has the burden of proving these allegations by preponderance of the evidence; the right to confront and cross examine witnesses against her; the right to call witnesses in her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decisions 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 of the rights afforded the Respondent under the United States Constitution, the Wisconsin Constitution and the Wisconsin Administrative Code.

7. Respondent freely, voluntarily and knowingly waives each and every one of the rights set forth in paragraph six above.

8. The Division of Enforcement recommends that the Wisconsin Medical Examining Board adopt this stipulation and issue the attached Final Decision and Order in resolution of this matter.

9. For the purpose of this Stipulation only, Respondent voluntarily agrees to entry of the attached Final Decision and Order by the Medical Examining Board.

10. Violation of the terms and conditions specified in this Stipulation and Final Decision and Order shall constitute a basis for disciplinary action by the Medical Examining Board.

11. The parties to this Stipulation understand that the Department of Regulation and Licensing, Division of Enforcement will take no further action against Respondent's license based on the allegations contained in the Complaint unless Respondent violates the terms and conditions of this Stipulation and Final Decision and Order in which event the Department may reinstate the Complaint and reinstitute proceedings against Respondent.

12. This agreement in no way prohibits the Medical Examining Board from any action against Respondent based on acts not alleged in the present Complaint which might be violative of the Wisconsin Medical Examining Board statutes and rules.

13. The parties agree to waive the Proposed Decision of the Administrative Law Judge and submit this Stipulation directly to the Medical Examining Board. All parties agree that counsel for the parties and the board advisor assigned to this case, may appear before the Board in open session to argue on behalf of acceptance of this Stipulation.

14. This Stipulation and Final Decision and Order, if adopted and entered by the Medical Examining Board, shall become effective on the date of signing.

15. In the event any term or condition of this Stipulation and Final Decision and Order is not accepted or entered by the Medical Examining Board, then no term of this Stipulation and Final Decision and Order shall be binding in any manner on any party to this Stipulation.

I, Nancy Ann Kermath, M.D., having read the above Stipulation and understanding its terms, do hereby, freely, voluntarily and knowingly enter into this Stipulation.

May 13, 1992
Date

Nancy A. Kermath, MD
Nancy Ann Kermath, M.D.
Respondent

May 19, 1992
Date

Pamela Stach
Pamela Stach
Attorney for Complainant
Department of Regulation and Licensing
Division of Enforcement

PS:pp
ATTY-2052

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with

the State of Wisconsin Medical Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon

the State of Wisconsin Medical Examining Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Medical Examining Board.

The date of mailing of this decision is May 27, 1992.