

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	87 MED 360
OWEN OTTO, M.D.,	:	89 MED 653
RESPONDENT.	:	90 MED 107

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

Owen Otto, M.D.
34810 Pabst Road
Oconomowoc, WI 53066

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the 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

1. Owen Otto, M.D., Respondent herein, (D.O.B. 3/25/21) is duly licensed and registered to practice medicine and surgery in the State of Wisconsin pursuant to license number 10048, which license was first granted on 4/12/47.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 34810 Pabst Road, Oconomowoc, WI 53066.
3. Respondent's specialty area of practice is psychiatry.
4. That Patient 1 was a patient at Rogers Memorial Hospital from 1968 into the early 1970's. During that time Patient 1 was under the direct care of another psychiatrist, but Respondent was the leader of the psychiatric team

at that hospital. Respondent was involved in Patient 1's treatment plan. He saw her on rounds with the other psychiatrists and heard the presentation of her history, mental status and other observations made at staff conferences.

5. In 1971 there was a 50th birthday party for Respondent at Rogers Memorial Hospital. Patient 1, who was then a patient, attended the party where alcohol was served. Respondent became intoxicated and the next morning woke up in bed with Patient 1. They were both naked. Patient 1 contends that they had sexual intercourse that night.

6. Following Patient 1's inpatient discharge from Rogers in 1973 she continued there as an outpatient and worked on the hospital switchboard. In 1976 Respondent hired Patient 1 as his secretary/receptionist at Rogers. She continued as his secretary/receptionist from 1976 to 1980.

7. For virtually the entire period of time that Patient 1 worked as Respondent's secretary/receptionist, she and Respondent had a sexual relationship. Patient 1 contends that although there were no records made nor billings for services she continued to be Respondent's psychiatric patient during that time. Respondent denies that Patient 1 was his patient during the period of time that she was employed as his secretary/receptionist and they had a sexual relationship.

8. In 1975, at Patient 1's request, Respondent burned Patient 1's previous psychiatric records, because Patient 1 was concerned about the stigma attached to being a psychiatric patient. Respondent agrees the burning of the records was inappropriate, but did so at the patient's request.

9. Patient 1 terminated her employee relationship with Respondent in 1980. Between 1980 and 1982 Patient 1 and Respondent had no employment, personal, sexual, or professional relationship.

10. In 1982 Patient 1 asked Respondent to provide her with psychotherapy because she had nowhere else to turn. Although they had previously had a personal and sexual relationship for a 5-year period Respondent agreed to see Patient 1 as an outpatient once a month so long as Respondent's spouse, a registered nurse, would be present during sessions.

11. Respondent provided psychotherapy to Patient 1 from 1982 to 1986 consistent with the agreed terms.

CONCLUSIONS OF LAW

1. That the Wisconsin Medical Examining Board has authority to enter into this stipulated resolution pursuant to sections 227.44(5) and 448.02(5), Wis. Stats.

2. That the Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to sec. 448.02(3), Wis. Stats.

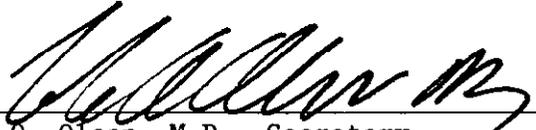
3. That Respondent's conduct, as described above, is unprofessional conduct as defined by Wis. Stats. sec. 448.02(3), and Wis. Adm. Code sec. MED 10.02(2)(h).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent's surrender of his license to practice medicine and surgery in the state of Wisconsin is hereby accepted effective immediately.

IT IS FURTHER ORDERED that Respondent shall never be relicensed to practice medicine and surgery in the state of Wisconsin.

Dated at Madison, Wisconsin this 28th day of April, 1993.



Clark O. Olsen, M.D., Secretary
Wisconsin Medical Examining Board

JRZ:kcb
ATY2-3842

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
	:	87 MED 360
OWEN OTTO, M.D.,	:	89 MED 653
RESPONDENT.	:	90 MED 107

It is hereby stipulated and agreed, by and between, Owen Otto, M.D., Respondent; William R. Soderstrom of Fox, Carpenter, O'Neill & Shannon, S.C., attorneys for Respondent; and, John R. Zwieg, attorney for the Wisconsin Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of three pending investigations by the Department of Regulation and Licensing, Division of Enforcement.

2. The allegations in investigation 87 MED 360 involve conduct with a female patient from the early 1970's to 1986. The patient alleges that she and Dr. Otto had sexual intercourse at a time when he was not her treating psychiatrist but was the head of the treatment team for her hospitalization. Following her discharge from the hospital, the patient was Dr. Otto's secretary/receptionist at the hospital from 1976 to 1980. During that time the patient and Dr. Otto had a sexual relationship. The patient contends there was also a professional-psychiatric relationship between them during this time period, but Dr. Otto denies this. In 1982 the patient returned to Dr. Otto and asked him to provide her with psychotherapy. Despite their having had a personal and sexual relationship for 5 years Dr. Otto agreed to provide her with psychotherapy and did so from 1982 to 1986.

3. The allegations in investigation 89 MED 653 are that Dr. Otto inappropriately conducted therapy sessions. The patient also alleges that Dr. Otto used psychologically abusive behavior in relating with her in 1975 when she was his patient. The patient alleges that her memories of these events were suppressed until brought out in therapy in 1989. Dr. Otto denies her allegations.

4. The allegations in investigation 90 MED 107 relate to Dr. Otto's conduct with a third female patient from 1986 to January of 1990. The patient states that she was sexually attracted to Dr. Otto and made advances to him. The patient alleges that although Dr. Otto was aware of her feelings about him he continued to hug her and encourage those feelings. The patient admits that Dr. Otto refused her advances, but contend that his ambiguous behavior in reaction to those advances was harmful to her. Dr. Otto denies any inappropriate behavior with the patient.

5. The Respondent understands that by signing the Stipulation he voluntarily and knowingly waives his rights including the right to have a formal complaint issued against him; at which time the state has the burden of proving those allegations of acts which occurred prior to January 1, 1986 by clear and convincing evidence, those acts which took place from January 1, 1986 through June 30, 1989 by a preponderance of the evidence; those acts which took place from July 1, 1989 through August 8, 1989 by clear and

convincing evidence and those acts which took place from August 9, 1989 through the present by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

6. Respondent is aware of his right to seek legal representation and has exercised that right prior to signing this stipulation.

7. Respondent agrees to the adoption of the attached Final Decision and Order by the Medical Examining 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.

8. 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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.

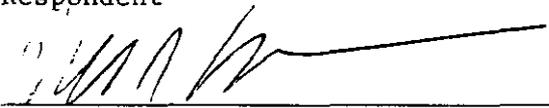
9. The parties to this stipulation agree that the Respondent, his attorney, and the attorney for the Division of Enforcement may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

10. The parties to this stipulation agree that the member of the Board appointed as the investigative advisor in this matter may appear before the Board in open or closed session for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

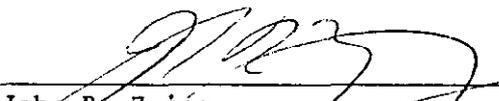
Dated this 3 day of April, 1993.


Owen Otto, M.D.
Respondent

Dated this 3 day of April, 1993.


William R. Soderstrom
Fox, Carpenter, O'Neill & Shannon, S.C.
Attorneys for Respondent

Dated this 30th day of March, 1993.


John R. Zwiég
Attorney for Complainant
Department of Regulation & Licensing
Division of Enforcement

JRZ:kcb
ATY2-3841

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 April 30, 1993.