

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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# FILE COPY

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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|                                   |   |                          |
|-----------------------------------|---|--------------------------|
| IN THE MATTER OF THE DISCIPLINARY | : |                          |
| PROCEEDINGS AGAINST               | : |                          |
|                                   | : | FINAL DECISION AND ORDER |
| CHRISTINE A. MAXEY, M.D.,         | : | LS 9212031 MED           |
| RESPONDENT.                       | : |                          |

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

Christine A. Maxey  
11202 W. National Avenue  
West Allis, WI 53227

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. Christine A. Maxey, M.D., Respondent herein, (D.O.B. 3/13/62) is duly licensed and registered to practice medicine and surgery as a physician in the state of Wisconsin pursuant to license number 30459, which license was first granted on 7/1/89. That on November 30, 1992 the Wisconsin Medical Examining Board summarily suspended Respondent's license to practice medicine and surgery in the state of Wisconsin.

2. Respondent's latest address on file with the Department of Regulation and Licensing is 11202 W. National Avenue, West Allis, Wisconsin 53227.

3. Beginning in May of 1992, the Respondent was a patient of Anthony J. Braus, M.D., Associate Professor in the University of Wisconsin-Madison Medical School, Department of Psychiatry, who is a Board-certified psychiatrist.

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4. While Respondent was under Dr. Braus' care, Respondent developed a severe psychotic depression for which she ultimately received electroconvulsive therapy (ECT) in October of 1992.

5. Respondent responded extremely well to the ECT and was able to begin work as a physician the first of November, 1992.

6. Respondent's employment position was with the Medical College of Wisconsin as a staff physician in the Department of Rehabilitation Medicine.

7. In mid-November, the Respondent re-developed symptoms of a severe psychotic depression. As of November 23, 1992 her records reflect that she was experiencing auditory and visual hallucinations, agitation and delusional ideation.

8. The records also reflect that Respondent was exhausted and had difficulty concentrating. Respondent felt she was able to continue functioning in the work place and continued to work as a physician until November 30, 1992. There is no evidence that she engaged in any substandard or improper medical practice during this time.

9. It was the opinion of her treating psychiatrist that Respondent by continuing to practice medicine, from November 23 through 30, 1992 in her then condition, posed the potential risk of danger to the Respondent and her patients.

10. Although there was a risk of harm to patients in Respondent's continued practice of medicine in this time period, there is no evidence that Respondent harmed any patient or provided any patient with inappropriate care during that period.

11. On November 25, 1992, Respondent told Dr. Braus that she would hospitalize herself on December 1, 1992. Respondent did not have health insurance in force which would have covered her hospitalization prior to that date. Respondent admitted herself to Parkway Hospital on December 3, 1992, because no beds were available at the hospital until that date.

12. From December 3, 1992 to December 18, 1992, Respondent was an inpatient at Parkway Hospital in Madison, Wisconsin under the care of Donald T. Fullerton, M.D., a psychiatrist. Following her discharge from Parkway Hospital, Respondent has been treated for her psychiatric condition by John Pappenheim, M.D., a psychiatrist.

13. On February 8, 1993, Dr. Pappenheim expressed his professional opinion that Respondent's psychiatric condition has improved such that Respondent can return to the active practice of medicine and surgery.

#### CONCLUSIONS OF LAW

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

2. That the Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter pursuant to sec. 227.44(5) Wis. Stats.

3. That as set out in the above Findings of Fact, Respondent's continued practice was prohibited by Wis. Adm. Code sec. MED 10.02(2)(i).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent's license to practice medicine and surgery in the State of Wisconsin is hereby limited, as follows:

1. Respondent shall continue in treatment with Dr. John Pappenheim, M.D., a psychiatrist located at 3521 N. Prospect Ave, Suite 103, Milwaukee, WI 53211. Respondent shall cooperate in the treatment ordered by Dr. Pappenheim, which may include inpatient or outpatient hospitalizations, prescription or administration of medications, psychotherapy, and other treatment modalities for Respondent's psychiatric condition.

2. That in the event that Dr. Pappenheim is unable or unwilling to continue to provide treatment to Respondent, Respondent shall find another psychiatrist to provide those services, who shall first be found to be acceptable by the Board.

3. That Respondent's appointed psychiatrist shall file reports with the Wisconsin Medical Examining Board every three months, prior to the fifth day of that month, beginning three months from the date of this Order. The reports shall indicate the status of Respondent's treatment and condition. If the reports submitted the first year indicate Respondent's condition has remained such that she has been able to practice without significant incident, and if the appointed psychiatrist believes it is appropriate, the frequency of the reports may be decreased to every six months.

4. That if Respondent's appointed psychiatrist becomes concerned that Respondent's psychiatric condition is such that Respondent can not practice medicine with reasonable safety to patients the psychiatrist shall immediately report that concern to the Wisconsin Medical Examining Board.

5. In the event that Respondent's appointed psychiatrist believes that there is no longer a need for Respondent to continue in treatment, that psychiatrist shall submit a report to the Medical Examining Board setting out the basis for that conclusion and the Board shall consider whether to end this requirement regarding treatment.

6. Respondent shall keep on file with her psychiatrists and treatment facilities current releases, complying with State and Federal laws, authorizing release of counselling, treatment and monitoring records, to the Wisconsin Medical Examining Board and the Wisconsin Department of Regulation and Licensing, Division of Enforcement.

7. A licensed physician employed at the Medical College of Wisconsin, shall serve as Respondent's supervising physician for purposes of this Order. The name of the physician shall be provided to the Board Chairperson for approval. Respondent shall not begin practicing, until the Board Chairperson approves a supervising physician. The supervising physician shall meet with Respondent on a weekly basis to discuss Respondent's practice and address any problems or concerns in Respondent's practice.

8. That in the event the supervising physician is unable or unwilling to continue to serve as Respondent's supervising physician, the Medical College of Wisconsin shall appoint another physician to serve in that role. Respondent shall not practice, until the Board approves the supervising physician.

9. If Respondent obtains employment at another clinic or facility, a supervising physician shall be appointed by that clinic or facility and the name of the physician shall be provided to the Board for approval. Respondent shall not begin practicing at that clinic or facility, until the Board approves a supervising physician.

10. The supervising physician, shall file reports with the Wisconsin Medical Examining Board every three months, prior to the fifth day of the month, beginning three months from the date of this Order. The reports shall indicate any problems or concerns which have arisen regarding Respondent's practice. If the reports submitted the first year indicate Respondent has practiced without significant incident, and if the supervising physician believes it is appropriate, the frequency of the reports may be decreased to every six months.

11. That if Respondent's supervising physician becomes concerned that Respondent can not practice medicine with reasonable safety to patients the supervising physician shall immediately report that concern to the Wisconsin Medical Examining Board.

12. In the event Respondent, her psychiatrist or her supervising physician becomes aware of any complaint made against Respondent regarding alleged misconduct in the practice of medicine or surgery, that person shall immediately report the existence and details of that complaint to the Wisconsin Medical Examining Board.

13. Respondent shall appear before the Board six months from the date of this Order to discuss with the Board the nature of her practice and conduct and progress in her treatment with her psychiatrist.

14. Respondent shall be permitted to continue practice upon condition that: she will refrain from engaging in unprofessional conduct; she will appear before the Board, its officers or its agents at such times as may be designated by the Board from time to time; she will fully disclose to the Board, or its officers or agents the nature of her practice and conduct; she will fully comply with the limits placed on her practice and conduct by the Board; and, she will cooperate with the Board. [Sec. 448.02(3)(e), Wis. Stats.]

15. Violation of any term or condition of this Order may constitute grounds for revocation of Respondent's license to practice medicine and surgery in the state of Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, the Board may order that Respondent's license be summarily suspended, pending hearing and determination of the alleged violation.

16. If Respondent requests that any limitation on her license, which is imposed by this Order, be modified or terminated it shall be in the sole discretion of the Board whether to modify or terminate the limitation. In the event that the Board declines to make a modification or termination requested by Respondent, Respondent shall be entitled to a sec. 227.01.(3)(a), Wis. Stats, hearing to determine if the Board's decision was arbitrary or capricious.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 24th day of February, 1993.



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

ATY2-3218

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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|                               |   |             |
|-------------------------------|---|-------------|
| IN THE MATTER OF DISCIPLINARY | : |             |
| PROCEEDINGS AGAINST           | : |             |
|                               | : | STIPULATION |
| CHRISTINE A. MAXEY, M.D.,     | : |             |
| RESPONDENT.                   | : |             |

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It is hereby stipulated and agreed, by and between, Christine A. Maxey, M.D., Respondent; John M. Riley of Atterbury, Riley, Luebke & Pretto, S.C., attorneys for the Respondent; and, John R. Zwieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

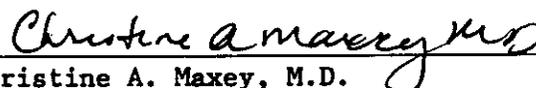
1. That the license to practice medicine and surgery in the State of Wisconsin of Christine A. Maxey, M.D., Respondent herein, was Summarily Suspended by the Wisconsin Medical Examining Board on 11/30/92. This Stipulation is entered into as a result of that pending disciplinary proceeding (file 92 MED 473)
2. The parties agree that this stipulated resolution may be presented directly to the Wisconsin Medical Examining Board and need not be presented to the Administrative Law Judge appointed in this matter.
3. Respondent understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
4. Respondent is aware of her right to seek legal representation and has exercised that right prior to signing this stipulation.
5. 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.

6. 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.

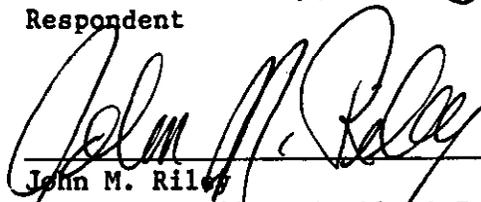
7. The parties to this stipulation agree that the Respondent, her attorney, and the attorney for the Division of Enforcement may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations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

8. 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.

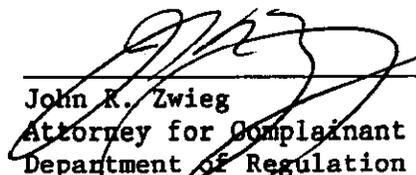
Dated: February 27, 1993.

  
Christine A. Maxey, M.D.  
Respondent

Dated: February 24, 1993.

  
John M. Riley  
Atterbury, Riley, Luebke & Pretto, S.C.  
Attorneys for Respondent

Dated: February 24, 1993.

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

ATY2-3214

## 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 February 25, 1993.

**227.49 Petitions for rehearing in contested cases.** (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

**227.52 Judicial review; decisions reviewable.** Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the department of employe trust funds, the commissioner of banking, the commissioner of credit unions, the commissioner of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

**227.53 Parties and proceedings for review.** (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) 1. Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. If the agency whose decision is sought to be reviewed is the tax appeals commission, the banking review board or the consumer credit review board, the banking review board or the savings and loan review board, the petition shall be served upon both the agency whose decision is sought to be reviewed and the corresponding named respondent, as specified under par. (b) 1 to 4.

2. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency.

3. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions

for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. The tax appeals commission, the department of revenue.

2. The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

(c) A copy of the petition shall be served personally or by certified mail or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon each party who appeared before the agency in the proceeding in which the decision sought to be reviewed was made or upon the party's attorney of record. A court may not dismiss the proceeding for review solely because of a failure to serve a copy of the petition upon a party or the party's attorney of record unless the petitioner fails to serve a person listed as a party for purposes of review in the agency's decision under s. 227.47 or the person's attorney of record.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, and the savings and loan review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.