

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
RICHARD G. SCHMELZER MD, :  
RESPONDENT. :

**ORDER 0002209**

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 MED 015

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

Richard G. Schmelzer, M.D.  
5618 Odana Rd.  
Madison, WI 53719

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

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
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 disposition of this matter, subject to the approval of the Medical 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 Richard G. Schmelzer, M.D., (dob May 23, 1947) is licensed in the State of Wisconsin in Medicine and Surgery, having license number 20-22041, first issued on October 27, 1978 and current through October 31, 2013. Dr. Schmelzer's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5618 Odana Road, Madison, Wisconsin 53719.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. On February 19, 2011, Dr. Schmelzer provided work excuse notes to individuals without adequately examining the individuals.

3. Dr. Schmelzer has had no other discipline against his license and is otherwise in good standing with the Board.

4. On August 23, 2012, Dr. Schmelzer participated in a one hour, face-to-face consultation with Dr. Valerie Gilchrist and Dr. Margaret Schwarze, who has expertise in medical ethics. The one-hour ethics consultation addressed Dr. Schmelzer's participation in providing the work excuse notes on February 19, 2011 without adequate patient examination.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), 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, Richard G. Schmelzer, M.D., engaged in professional misconduct as defined by Wis. Admin. Code § Med 10.02(2)(h), which subjects Dr. Schmelzer to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Richard G. Schmelzer, M.D., is REPRIMANDED.

IT IS FURTHER ORDERED that:

3. The license and registration of Dr. Schmelzer is LIMITED as follows:

- a. Dr. Schmelzer shall complete one (1) hour of face-to-face ethics consultation with an expert in the area of medical ethics. Respondent's consultation with Dr. Schwarze on August 23, 2012 satisfies this requirement.
- b. Dr. Schmelzer is responsible for full costs of the ethics consultation and is prohibited from applying the credits earned in this consultation, if any, toward satisfaction of the otherwise required biennial continuing education.
- c. Within thirty (30) days from the date of this Order, Dr. Schmelzer shall prepare and submit a sworn affidavit attesting that the credits obtained from the consultation, if any, will not be applied to the satisfaction of the required biennial continuing education. If Dr. Schmelzer did not obtain any credits from the ethics consultation, Dr. Schmelzer shall prepare and submit a sworn affidavit attesting that no credits were obtained. Upon submission of the affidavit, this limitation shall be lifted.

4. Within ninety (90) days from the date of this Order, Dr. Schmelzer shall pay COSTS of this matter in the amount of \$200.00.

5. The affidavit and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at the address below:

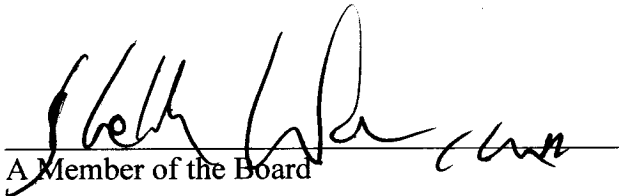
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

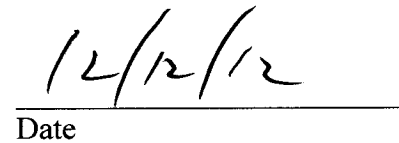
6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs or the affidavit as ordered, Respondent's license (no. 20-22041) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with submission of the affidavit and payment of the costs.

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

WISCONSIN MEDICAL EXAMINING BOARD

By:

  
A Member of the Board

  
Date