

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
NOEMI A. PRIETO, M.D., :
RESPONDENT. : 0002565

Division of Legal Services and Compliance¹ Case No. 12 MED 188

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

Noemi A. Prieto, M.D.
8532 West Capitol Drive
Milwaukee, WI 53222

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 Noemi A. Prieto, M.D., (dob April 24,1952), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 20-26529, first issued on December 31, 1984, with registration current through October 31, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 8532 West Capitol Drive, Milwaukee, Wisconsin 53222.

2. On April 21, 2010, the Board issued an Order which concluded, in part, that Respondent engaged in unprofessional conduct by aiding and abetting the unlicensed practice of

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

medicine, and failed to maintain health care records that accurately identified the practitioner. The Order reprimanded Respondent and placed certain limitations on her license to practice medicine and surgery. These limitations included the following:

a. Respondent shall take and successfully complete the “Intensive Course in Medical Record Keeping” by Case Western Reserve University School of Medicine with preceptorship.

b. Respondent shall take and successfully complete the “Intensive Course in Medical Boundaries & Professionalism and Follow Up” by Case Western Reserve University School of Medicine.

c. Respondent shall take and successfully complete an intensive course on legal aspects of prescribing.

d. Respondent shall undergo an intensive assessment and evaluation of the administration of Respondent’s practice by an independent third party.

e. Respondent shall have quarterly reports by the Practice Evaluator sent to the Department about billing, staff qualifications and licensing, staff supervision, medical record-keeping, written policies, and security of prescription pads and other items for which security is required by statute or rule.

f. Respondent shall develop and implement written policies pertaining to qualifications for physician hires, delegation of medical acts including patient notification, timely and accurate record keeping, and security of prescription pads and other items for which security is required by law or rule.

g. Respondent shall obtain written approval in advance from the Board before expanding or opening additional medical offices.

h. Respondent must maintain accurate medical records.

i. Respondent shall not employ physicians who are not fully credentialed to practice in the State of Wisconsin.

j. Respondent shall obtain prior written approval for students or medical residents to provide health care services or to be present for educational or observation purposes.

k. Respondent shall not delegate medical acts except in the hospital setting for two years with the exception of delegation to licensed physicians, RN’s, and APNP’s.

3. On March 18, 2012, Respondent was found guilty of 16 counts of health care fraud in United States District Court, Eastern District of Wisconsin, Case Number 11-CR-60. Respondent was found guilty of counts 3-18 of the indictment, however, there was a hung jury on counts 1, 2 and 19. Respondent was found to have submitted false claims to the Wisconsin Medicaid Program for medical services provided by an unlicensed physician from August 17, 2006 through December 26, 2006.

4. On November 9, 2012, Respondent was sentenced in the United States District Court, Eastern District of Wisconsin, Case Number 11-CR-60, to a term of imprisonment of 1 year and 1 day, concurrent on all counts. Upon release from imprisonment, she will be placed on

supervised release for two years. Respondent was also ordered to pay restitution in the amount of \$90,747.20.

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, Respondent Noemi A. Prieto, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(r) by being convicted of a crime which substantially relates to the practice of medicine.

3. As a result of the above conduct, Noemi A. Prieto, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. The license of Respondent Noemi A. Prieto, M.D., to practice medicine and surgery in the State of Wisconsin shall be **SUSPENDED** for a period of three (3) years. The commencement of this suspension shall be retroactive to Respondent's incarceration date of February 1, 2013.

3. The medicine and surgery license issued to Noemi A. Prieto, M.D., (license number 20-26529) is **LIMITED** as follows:

- a. Respondent shall, at all times, comply with all terms of the Order issued by the Medical Examining Board on April 21, 2010.
- b. Respondent shall, at all times, comply with all terms of the Judgment in a Criminal Case issued by the United States District Court, Eastern District of Wisconsin, Case Number 11-CR-60 on November 9, 2012. Respondent shall provide written verification to the Board, or its designee, of continuing compliance with the terms of the Judgment on February 2, 2014, and at six month intervals thereafter until the all terms are completed.
- c. Upon Respondent providing proof sufficient to the Board, or its designee, that she has successfully complied with all terms and conditions of the Judgment in a Criminal Case issued by the United States District Court, Eastern District of Wisconsin, Case Number 11-CR-60, and the April 21, 2010 Order issued by the Medical Examining Board, the Board or its designee shall issue an Order removing this limitation of Respondent's license.
- d. In the event that the terms and conditions of the Judgment in a Criminal Case issued by the United States District Court, Eastern District of Wisconsin, Case Number 11-CR-60, are modified, Respondent can petition the Board for a

modification of this Order. However, it shall be in the sole discretion of the Board whether to modify this Order or to impose any additional limitations if this Order is modified.

- e. All documents required to be filed under this Order shall be mailed to the Department Monitor at the address set forth below.
 - f. Prior to resuming the practice of medicine and surgery, Respondent shall appear before the Board and provide proof, sufficient to the Board, that she is able to practice with reasonable safety and skill and within the minimum standards of competence established the profession by providing proof that she has developed written policies and procedures manual which have been approved by the Board to be instituted in her practice. The content of the manual shall include, at a minimum, guidelines relating to the following: 1) qualifications for physician hires; 2) delegation of medical acts, including patient notification; 3) timely and accurate record keeping; and security of prescription pads, and 4) other items for which security is required by law or rule.
 - g. Prior to resuming the practice of medicine and surgery, Respondent shall provide evidence to the Board that Respondent has taken and passed the Special Purpose Examination (SPEX) given by the Federation of State Medical Boards. The SPEX is designed to assess a physician's ability to apply, at a minimally acceptable level, the general medical knowledge considered essential for continued, unsupervised practice by physicians who hold or have held a valid, unrestricted license.
4. Within 180 days from the date of this Order, Noemi A. Prieto, M.D., shall pay COSTS of this matter in the amount of \$800.00.
5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and 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 costs as ordered, Respondent's license (no. 20-26529) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with 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