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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
RICHARD M. ASMA, M.D., RESPONDENT.	:	LS9504031MED

The State of Wisconsin, Medical Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Medical Examining Board.

The Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs with the Department General Counsel within 15 days of this decision. The Department General Counsel shall mail a copy thereof to respondent or his or her representative.

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

Dated this 24 day of October 1996.

B. Ann Newhaser

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST	:	PROPOSED DECISION
RICHARD M. ASMA, M.D., RESPONDENT.	:	(Case No. LS 9504031 MED)

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

Richard M. Asma, M.D.
8200 N. Teutonia Avenue
Brown Deer, WI 53209

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

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

A hearing in this matter was conducted on October 30 and 31, 1995. The respondent, Richard M. Asma, M.D., appeared personally and by his attorney, Paul J. Kelly, Schellinger & Doyle, S.C., 445 South Moorland Road, Suite 450, Brookfield, Wisconsin 53005. The complainant appeared by attorney, John R. Zwieg, Department of Regulation and Licensing, Division of Enforcement, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708. After the hearing counsel filed written closing arguments, the last of which were received on December 7, 1995. A transcript of the hearing was prepared and filed on December 20, 1995.

On the basis of the entire record, the administrative law judge recommends that the Medical Examining Board adopt as its final decision in this proceeding the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Richard M. Asma, M.D., the respondent herein, 8200 N. Teutonia Avenue, Brown Deer, Wisconsin 53209, is currently licensed and registered to practice medicine and surgery in the state of Wisconsin, pursuant to license #13641, which was first granted on July 1, 1960.

2. Dr. Asma specializes in general practice.

3. A female patient referred to herein as "Bonnie", first saw Dr. Asma in his professional capacity in 1978, when she was 15 years of age. Bonnie continued to see Dr. Asma for various problems over the years through September of 1987.

4. Bonnie saw Dr. Asma for various reasons on August 3, 1990, December 27, 1991, and August 19, 1992.

5. On April 26, 1993, Bonnie went to Dr. Asma complaining of a cold of two weeks duration, which was not improving. She complained of a sore throat with swallowing.

6. Bonnie's two children, who were also experiencing coughing and respiratory problems, were seen by Dr. Asma at the same time as he examined Bonnie for the cold symptoms. Bonnie's children were ages 4 and 7 at that time. During the examination Bonnie mentioned to Dr. Asma that she was experiencing some urinary incontinence on occasion when coughing from her cold.

7. Dr. Asma ordered a chest x-ray and lab work for Bonnie. After those tests were accomplished he had Bonnie return to the examination room. Bonnie instructed her children to remain in the waiting area and she returned to the examination room.

8. Dr. Asma performed a pelvic examination with the complaint of stress incontinence as an indication. Dr. Asma advised Bonnie that he was going to do a pelvic examination to determine the cause of the stress incontinence, relating to whether she had a bladder infection. During the examination Bonnie advised Dr. Asma that she had brought the matter of her stress incontinence to the attention of her OB-GYN who had, in turn, instructed her on how to perform Kegal exercises.

9. At one point during the examination, and while his fingers were inserted in her vagina, Dr. Asma instructed Bonnie to cough. Dr. Asma then instructed Bonnie to perform the Kegal exercises. As Bonnie was performing the Kegal exercises, Dr. Asma instructed her with words to the effect of "rock your hips to the ceiling and back down to the table".

10. Dr. Asma also informed Bonnie, in words to the effect of: "I need to stimulate you to get your juices flowing." Dr. Asma proceeded to stimulate Bonnie through moving his fingers in a circular motion in continuous contact with her clitoris.

11. No other person was present in the examination room during the pelvic examination.

12. Dr. Asma's records of the examination contain no entry of a pelvic examination, although the records indirectly refer to the condition for which the examination was conducted and referral to a specialty provider for the condition.

13. Following the examination Dr. Asma referred Bonnie to a urologist.

14. There was no medical purpose for Dr. Asma to touch Bonnie's clitoris or attempt to stimulate vaginal secretions, in the circumstances set out above.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this proceeding pursuant to ch. 448, Stats.

2. The conduct of Dr. Asma in engaging in stimulation of Bonnie's clitoris, attempting to stimulate Bonnie's production of vaginal secretions and having Bonnie thrust her pelvis in an upward direction while at the same time having her perform Kegel exercises with Dr. Asma's fingers in the patient's vagina, constituted conduct tending to constitute a danger to a patient and constitutes unprofessional conduct as defined by sec. Med 10.02(2)(h), Wis. Adm. Code, and sec. 448.02(3), Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED that the license to practice medicine and surgery of Richard M. Asma, M.D., be, and hereby is, LIMITED to impose the following terms and conditions:

1. Respondent's practice shall not include pelvic examinations of female patients of any age.

2. Respondent shall, within 90 days of the date of the Final Decision and Order of the Medical Examining Board, arrange for a psychological evaluation relating to the issues raised by the board's Findings of Fact in this matter, by a psychiatrist or psychologist, approved in advance by the board, who has assessed and treated health

care professionals found to have engaged in inappropriate sexual contact with patients. The evaluation shall include recommendations for additional limitations to be placed upon respondent's practice of medicine and surgery, if any, including recommendations relating to psychotherapy, and respondent shall submit to whatever such recommended terms, conditions or limitations as may be adopted by the board.

3. If as a result of the recommendations following the psychological evaluation, the board orders that the respondent participate in a program of psychotherapy with a psychiatrist or psychologist approved in advance by the board, respondent shall be responsible for submission to the board of quarterly formal written reports from his treating psychiatrist or psychologist setting forth respondent's progress in treatment and evaluating his continuing ability to safely practice medicine and surgery.

4. Respondent shall provide and keep on file with all treating health care professionals and facilities current releases which comply with all applicable state and federal laws authorizing release of all his medical and treatment records and reports to the Medical Examining Board and which permit his treating health care professionals to disclose the progress of his treatment and rehabilitation with the Medical Examining Board and its agents. Copies of said releases shall be filed simultaneously with the Medical Examining Board.

FURTHERMORE, IT IS ORDERED that the assessable costs of this proceeding be imposed upon respondent, Richard M. Asma, M.D., pursuant to sec. 440.22, Stats.

OPINION

During April of 1993 Bonnie contracted a severe "cold". Bonnie was thirty years old at that time and the mother of two children. She obtained medication for her cold by calling Dr. Asma's office and having a prescription called in to a pharmacy. Because the medication did not alleviate her symptoms, on Monday, April 26, she called Dr. Asma's office and was able to obtain an appointment to see Dr. Asma at his office after 4:00 p.m.

Bonnie and her children saw Dr. Asma and she told him she had had a cold for two weeks and that the medication was not helping her. While Dr. Asma was taking a history, he asked her to describe the severity of her cough. She told him she was coughing so hard that it caused her to leak urine. Dr. Asma examined her head and chest and ordered a blood panel and chest x-ray, which were performed in the building. He also examined her two children who had cold symptoms.

Bonnie returned to the examination room after having the tests performed. Dr. Asma indicated that he desired to perform a pelvic examination in order to determine the cause of her leakage of urine, which he indicated could be due to a bladder infection. Bonnie consented. Bonnie also informed Dr. Asma that she had been instructed on how to perform Kegel exercises, which involve the tightening of muscles in an attempt to prevent urination. The procedure is intended to strengthen the muscles in an attempt to control urinary incontinence, or leakage.

During the pelvic examination, Bonnie testified that Dr. Asma told her to perform the Kegel exercises.

Q. All right. And did you do them?

A. Yes, sir.

Q. Was there anything else that occurred while Dr. Asma was still at the foot of the examination table?

A. As I was doing the kegel exercise, I was also instructed to rock my hips to the ceiling and the table.

Q. All right. You were instructed to rock your hips to the ceiling and what?

A. And back down to the table.

Q. Was there -- did Dr. Asma indicate why you should do that?

A. No.

Q. And at this point his fingers were still in your vagina?

A. Yes.

Q. Did you follow his directions?

A. At times I didn't and I was reminded of which ones I wasn't doing. And was told to do them at the same time.

Q. All right. Now you said you were reminded which ones you weren't doing. How many things was he telling you to do?

A. The Kegels and the rocking at the same time.

Q. All right. So is it fair -- strike that, please. So at some times you weren't doing both?

A. Correct.

Q. Any special reason?

A. At this point I thought this was getting to be uncomfortable.

Q. All right. And when you say uncomfortable, do you mean it hurt?

A. No, I mean I'm comfortable that it was incorrect.

Q. Did anything else happen while Dr. Asma was still at the foot of the examination table?

A. He said something to the effect that there was one more thing he wanted to do.

Q. All right. At that -- what did he say he wanted to do?

A. He said he had to stimulate me to get my juices flowing.

Q. Did he say why he needed to stimulate you to get your juices flowing?

A. He might have.

Q. All right. Well, when you say he might have, does that mean --

A. I don't recall if he did.

Q. Now (Bonnie), when you use the phrase he needed to stimulate me to "to get my juices flowing" are those the actual words he used?

A. I believe so, yes.

Q. Did he also actually use the word stimulate?

A. Yes, sir. Stimulate and juices flowing were in there. How they were arranged in the sentence I am not a hundred percent, but stimulate and juices flowing were the words that were used.

Q. At that point what happened?

A. He started to stimulate.

Q. All right. Was he still at the foot of the table at this point?

A. No, he came around to the side of the table.

Q. Was that your right side or left side?

A. It was my right side.

Q. And when he came around to the side of the table, what did Dr. Asma do?

A. He started to stimulate myself.

Q. Okay. And how -- in what manner?

A. With his fingers.

Q. Where were his fingers?

A. In between my legs.

Q. All right. And touching what specific part of your body.

A. My clitoris.

* * * *

Q. Was (his hand) resting against your clitoris?

A. It was pressed against.

Q. All right. Was there any movement involved?

A. Oh, yes.

Q. What was the nature of the movement?

A. Around, circular motion.

Q. And that circular motion was directly on your clitoris?

A. Yes, sir.

Q. How long did the circular motion on your clitoris continue?

A. Five minutes. No more than five minutes.

(Trans., pp. 179-183).

Bonnie testified similarly to the above conduct during cross-examination. See, Trans., pp. 308-311.

After the examination was completed, Bonnie went home and called her husband at work and told him that she thought something inappropriate had happened during her examination by Dr. Asma. Bonnie's husband came home from work. Bonnie and her husband discussed the circumstances and Bonnie decided to check with other medical professionals, as she did not desire to report the matter if the procedure had, in fact, been appropriate.

The next day Bonnie discussed the incident with her neighbor, a registered nurse. Bonnie's neighbor indicated that the description of the procedure was not normal for an examination for incontinence, and she was advised to discuss the matter with a urologist. Bonnie called a urologist's office and informed a nurse of what had occurred at Dr. Asma's office. The nurse suggested that Bonnie contact the police. Bonnie was also able to contact her own OB-GYN, and again was told to report the matter to the police. That evening, Bonnie provided a statement to the police (Exhibit 5), which was consistent with her description of the events at the hearing.

The following day, Dr. Asma was interviewed by the police. Dr. Asma provided the following information, according to the officer's report (Exhibit 3):

> "Dr. Asma stated that he did go around to the side of the table in order to perform a pelvic floor stimulation. He recalls stating that he would have to stimulate her to get the secretions flowing. I asked what this pelvic floor stimulation was for. Dr. Asma stated he was doing this to see if she had a yeast infection also to check the consistency or viscosity of her secretions to determine the possibility of low estrogen levels. . . . Dr. Asma also had her do some pelvic tilting during the beginning part of the exam but does not recall if she was doing that during the pelvic floor stimulation. . . . Dr. Asma stated that the exam is only done long enough to get the secretions and no longer."

The above report strongly supports Bonnie's claim that Dr. Asma's conduct was not appropriate. The use of the phrases "pelvic floor stimulation" and "pelvic tilting" obviously came from Dr. Asma, and not the police officer's interpretation of Dr. Asma's statement. The report also confirms Bonnie's recollection that Dr. Asma indicated that he needed to "stimulate her to get the secretions flowing."

Dr. Asma also utilized the phrase "pelvic tilting" in his written statement to the police. (Exhibit 2). However, Dr. Asma claimed this to be merely a poor choice of words in that he was actually instructing Bonnie to use her anterior muscles in the exercise. (Trans., pp. 135-6).

Interestingly, there is nothing in Dr. Asma's medical records which indicate that a pelvic examination was performed. Nor does he state whether he checked Bonnie's

performance of the Kegel exercises or, if so whether she was performing them correctly. His notes state (Exhibit 1, p. 7):

> "Recent cold - 2 weeks. On Erythromycin and on nova histamine DH and not improving. Sore throat with swallowing. Sputum white turning to green. Chest x-ray within normal limits. Has urinary incontinence. Refer to Dr. Wiatrak. Upper respiratory infection with bronchitis treatment of Amoxicillin and Tussionex"

Simple reference to Dr. Asma's notes would have failed to confirm that a pelvic examination was even performed upon Bonnie, had Dr. Asma chose to deny the claim.

The examination, as described by Bonnie, was evaluated by Dr. Karen Kronman, who testified as an expert witness for complainant. Dr. Kronman taught benign gynecology at the University of Wisconsin from 1984 to 1986. She was board certified in OB-GYN in 1987, and has practiced for the last six years at the Dean Clinic in Madison, Wisconsin. Dr. Kronman testified that Dr. Asma's conducting a pelvic examination, itself, of Bonnie on April 26, 1993, did not fall below the minimal standards in the profession. However, Dr. Kronman stated that no circumstances exist under which a minimally competent practitioner would attempt to stimulate vaginal secretions during a pelvic examination. She indicated that such conduct by a physician would tend to cause an unreasonable risk of harm to the emotional health of the patient. A minimally competent physician would avoid this unreasonable risk by not attempting to stimulate vaginal secretions during a pelvic examination.

In summary, Dr. Kronman provided the following professional opinions relevant to various questions raised in this case:

1. Dr. Asma's decision to perform a pelvic exam on patient was not below minimal standards.

2. An attempt to stimulate vaginal secretions in a patient during an evaluation of cause for incontinence is below minimal standards. Such conduct could cause harm to the patient's emotional health.

3. There are no situations in which a minimally competent practitioner would attempt to stimulate vaginal secretions during an examination.

4. It is appropriate to determine the health of the vaginal surfaces to make sure they have the normal estrogen stimulation, which can be done through viewing the vaginal wall. If the vaginal mucosa appears normal, there is nothing more that needs to be done to evaluate estrogen level.

5. Asking a patient to perform Kegel exercises with the physician's fingers in vagina is not below minimal standards. However, it would be below minimal standards to have a patient move or tilt her pelvis at the same time. Such conduct exposes the patient to an unreasonable risk of emotional harm.

6. Brief touching of clitoris during exam is acceptable. However, there is no valid medical reason to have direct clitoral stimulation during a pelvic examination and it is never appropriate for a practitioner to intentionally stimulate the patient's clitoris.

However, Dr. Asma claimed that he did not attempt to stimulate vaginal secretions from Bonnie during his examination. This is contradicted not only by Dr. Asma's statement to the police and Bonnie's testimony, but by his own testimony at hearing inferring that he does attempt to stimulate vaginal secretions during pelvic examinations of some female patients.

At one point during his testimony, Dr. Asma claimed that he never attempts to stimulate vaginal secretions. (Trans., p. 111). But that is inconsistent with his following testimony:

> Q. Now several times you've talked about what you've experienced with your older patients in your practice. And to some extent you've differentiated between (Bonnie) and some older patients. Are there occasions when you need to stimulate vaginal secretions in the older patients?
>
> A. Some patients when you -- that have atrophic mucosa, if you want to see if there's any capability of doing something, you know, with -- if they're capable of doing it. You'll sometimes use a circular motion, you know, in the -- in the labia or in the vulva or in the vagina. But ordinarily with them this produces pain and you don't continue something like that.
>
> Q. But you're actually attempting to determine whether they can produce vaginal secretions?
>
> A. I think more of my information comes from the rest of my examination whether or not they can produce it or not. If they don't have it, you know, if the mucosa is atrophic, if I'm going to -- if I'm going to do -- there's nothing I can do that's going to make them, you know make them produce more secretions.
>
> Q. So you are saying, doctor, then that you never attempt to produce vaginal secretions in older patients?

A. I can't say that the would make a whole lot of sense to do that, once I've done this other examination.

Q. Okay. I'm not asking whether it makes sense. I'm asking whether you do it.

A. Well, then I'll say no.

(Trans., pp. 110-111)

At best, Dr. Asma's answer is evasive, and his final statement: "Well, then I'll say no", singularly unpersuasive as to veracity. In fact, following Dr. Asma's grudgingly given negative response, a portion of his deposition conducted prior to the hearing was read into the record. He was similarly evasive, but the response more clearly to the effect that he does attempt to produce secretions in older female patients. Part of that deposition testimony was as follows:

Q. But did you attempt at all in any manner to determine whether (Bonnie) could produce secretions in addition what were already there when you were doing the examination?

A. I do this in older people. I've done this.

Q. All right. You do what in older people?

A. See whether or not they can produce secretions and what their reaction is in older people when they cannot. . . .

(Trans., p. 113)

In following up upon Dr. Asma's deposition responses for clarification, the following exchange took place at the hearing:

Q. Doctor, through that questions and answers, it seemed that on some occasions to me that you were saying you do attempt to stimulate older women in these circumstances and in others that you were not. Now, just so we're real clear here today. Are there occasions where you intentionally try to stimulate vaginal secretions in older women when you're examining them?

A. It would only be for a very short period of time. And if there would be any pain with it, you know, I'd certainly stop -- stop all that entirely.

Q. So in some circumstances you do attempt to stimulate vaginal secretions in older women?

A. Well, I'm doing this with a, you know, just water on my finger. And sometimes these people, they are a little frightened of what's happening. If you have your hands in there and you're gentle with them and you're giving, you know, just this circular motion instead of poking something in there. If they are more relaxed, I think -- I think it's easier for them to produce secretions. If they're frightened or uncomfortable in any way, nothing is going to happen. There's no secretions. The main part of the secretions as I say is mostly initially when you're inspected it and see the mucous membrane."

(Trans., p. 118).

Dr. Asma's responses at the hearing were evasive, confusing and lend themselves to the general conclusion that he is not being totally truthful. Phrases within the Brown Deer Police Department report such as "to perform a pelvic floor stimulation"; that he needed to "stimulate her to get the secretions flowing"; and that he also had her do some "pelvic tilting during the beginning part of the exam", do not represent terminology one would expect to be used by a non-medically sophisticated police officer. Rather, they represent the words and phrases actually used by Dr. Asma in providing his version of the events to the police officer. Also, it is interesting to note that the police report's statement that Dr. Asma said "the exam is only done long enough to get the secretions and no longer" is extremely similar to Dr. Asma's testimony that he would only attempt to stimulate vaginal secretions in older patients "for a short period of time." (Trans., p. 118).

Additionally, in Dr. Asma's written statement to the police (Exhibit 2), it is Dr. Asma who specifically used the term "pelvic tilting exercises" -- not the police officer nor Bonnie. Although Dr. Asma indicated that this phraseology was a poor choice of words for what he was suggesting, it can also be viewed as an admission that he did ask Bonnie to move her pelvis in some fashion during the examination. It also lends credibility to Bonnie's recollection that Dr. Asma instructed her to rock her hips toward the ceiling and back to the table.

Dr. Asma claimed that he never used phrases similar to having to get "her juices flowing", or that she was to "rock her hips to the ceiling". However, the question is not so much whether he used these precise phrases with Bonnie during the exam. The question is whether he conveyed to Bonnie that the examination for incontinence and Kegel exercise performance, required that she move her pelvis in some manner and whether he indicated that he needed to stimulate her vaginal secretions. If he did, then he engaged in unprofessional conduct, no matter how the instructions were conveyed.

In his defense, Dr. Asma attempts to make much of the fact that Bonnie appeared calm immediately after the examination in discussing the billing with Dr. Asma's secretary, and that Bonnie had declined to have pelvic examinations performed in the past on

occasion. The argument is that an individual having undergone the examination described by Bonnie would be extremely upset or agitated following the exam, and that Bonnie's strength of character would have prevented her from accepting such an exam.

Dr. Asma's claimed inconsistencies in post-examination demeanor and conduct contrary to an independent and assertive nature do not really exist in the context of this examination. This is not a case in which it is claimed that obvious sexual misconduct, such as attempted sexual or oral intercourse, was involved. Rather, the context here is that while Bonnie was in a delicate, sensitive, and compromised physical position, a physician, which Bonnie had characterized previously as a "friend", though not socially, and who had for years been her and her family's primary physician, indicates that she must mobilize her pelvis in a certain fashion and that he must stimulate her vaginal secretions. It is not at all surprising under the circumstances presented, that she failed to raise an objection to Dr. Asma's conduct. As a layperson, she is relatively uninformed as to the necessity or appropriateness of such actions during this specific examination. In fact, when she left Dr. Asma's offices she did not know whether the examination had been appropriate. She did not immediately contact the police. After expressing concerns to her husband regarding the exam, she broached the question with a professional nurse, who was her neighbor. This is demonstrative of an individual who does not know for certain whether inappropriate conduct has in fact occurred, but wants to find out for sure.

Rather than unfairly accusing Dr. Asma, she described the incident to health care professionals. Had she been informed (or had it indeed been the fact) that there was a valid medical purpose for Dr. Asma's conduct, it is reasonable to assume that she would have been satisfied. However, when she was advised that the conduct was inappropriate by a nurse, and subsequently by a second nurse who indicated she should immediately contact the police, Bonnie did not wait long to do so. She provided a detailed statement to the Brown Deer Police Department on April 27, 1993, the day after Dr. Asma's pelvic examination.

Dr. Asma also contends that Bonnie's version of the pelvic examination may have been the product of her having been sexually molested when she was only five years old, memories of which were somehow brought back to her during the pelvic examination and influencing her perception of an otherwise appropriate procedure. This position is simply not tenable, and must be characterized as far-fetched. There is nothing in this record that suggests Bonnie was so traumatized by an incident at an early age as would cause her to essentially be deluded into believing that Dr. Asma's conduct, though proper, was of the same nature.

Furthermore, Dr. Asma suggests that Bonnie may be fabricating the events in order to obtain more attention from her husband. The records indicate that the marital relationship between Bonnie and her husband had been difficult on occasion, primarily

due to the extremely long hours which her husband's employment necessitated on occasion. The couple had engaged in marriage counseling. However, a theory that Bonnie's claim is simply a plea for attention from her husband is totally speculative and, in my opinion, not worthy of belief.

Rather, the record indicates that Dr. Asma intended to sexually stimulate Bonnie during the pelvic examination. The record indicates that there exists no valid medical purpose for doing so. Even where one to exist, it clearly would not lie in the context of an examination into the cause for incontinence or whether Kegel exercises are being properly performed.

What is additionally deeply disconcerting is Dr. Asma's confused, yet begrudging admission that he does attempt to stimulate vaginal secretions in older female patients. He offers no plausible explanation as to his purported medical rationale for this practice. The experts testifying in this matter have offered none on his behalf. It must be concluded based upon Bonnie's testimony, what essentially constitute admissions to the investigating officer and the expert testimony, that it is more likely than not that Dr. Asma engaged in unprofessional conduct.

Having found that Dr. Asma engaged in unprofessional conduct, the issue becomes the appropriate discipline to be imposed. In this regard, it must be recognized that the interrelated purposes for applying disciplinary measures are: 1) to promote the rehabilitation of the licensee, 2) to protect the public, and 3) to deter other licensees from engaging in similar misconduct. *State v. Aldrich*, 71 Wis. 2d 206, 209 (1976). Punishment of the licensee is not an appropriate consideration. *State v. MacIntyre*, 41 Wis. 2d 481, 485 (1969).

It is not clear whether Dr. Asma does or did believe there to be a medical justification for intentionally stimulating certain female patients under some circumstances. If he does, this record suggests a significant lack of knowledge on Dr. Asma's behalf. On the other hand, it is also possible that he engages in such conduct for the purpose of personal sexual gratification or psychological motive. In either event, the potential danger to the emotional health of Dr. Asma's female patients must be removed, and other licensees deterred from engaging in similar conduct.

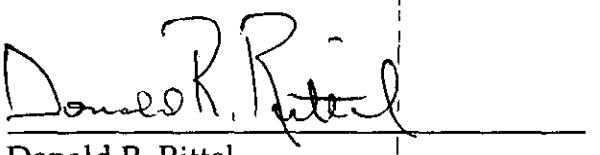
In order to fashion an ultimate discipline which appropriately addresses these functions for imposing disciplinary sanctions, more information must be obtained than is currently available. Accordingly, it has been recommended by complainant's attorney, and is here, that Dr. Asma be required to submit to a psychological evaluation and obtain appropriate treatment, if required.

However, regardless of the reasons or problems behind the unprofessional conduct of Dr. Asma in this case, it is clear that the protection of the public requires he not be

permitted to perform pelvic examinations upon female patients. It is recommended additionally that Dr. Asma's practice be limited to prohibit him from engaging in these procedures.

Dated this 25th day of September, 1996.

Respectfully submitted,



Donald R. Rittel
Administrative Law Judge

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BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST RICHARD M. ASMA, M.D., RESPONDENT.	: : : : :	AFFIDAVIT OF SERVICE

Katie Rotenberg, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on October 25, 1996, she served the following upon the respondent's attorney:

Final Decision and Order dated October 24, 1996, LS9504031MED

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondent's attorney at:

Paul J. Kelly, Attorney
Schellinger & Doyle, S.C.
445 South Moorland Road, Suite 450
Brookfield, WI 53005
Certified P 213 340 123

Katie Rotenberg

Katie Rotenberg
Department of Regulation and Licensing

Subscribed and sworn to before me
this 25th day of October, 1996.

Notary Public
Dane County, Wisconsin
My Commission is Permanent

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.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue
P.O. Box 8935
Madison. WI 53708.

The Date of Mailing this Decision is:

October 25, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)

State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Marlene A Cummings
Secretary

Tommy G Thompson
Governor

1400 E WASHINGTON AVENUE
P O BOX 8935
MADISON, WISCONSIN 53708-8935
(608) 266-2112

November 12, 1996

PAUL J KELLY, ATTORNEY
SCHELLINGER & DOYLE, S.C.
445 SOUTH MOORLAND RD
SUITE 450
BROOKFIELD WI 53005

RE: In The Matter of Disciplinary Proceedings Against Richard M. Asma, M.D., Respondent, LS9504031MED, Assessment of Costs

Dear Mr. Kelly:

On October 24, 1996, the Medical Examining Board issued an order involving the license to practice medicine and surgery of Richard M. Asma., M.D. The order requires payment of the costs of the proceedings.

Enclosed please find the Affidavits of Costs of the Office of Board Legal Services and the Division of Enforcement in the above captioned matter. The total amount of the costs of the proceedings is $8,153.00.

Under sec. RL 2.18, Wis. Adm. Code, objections to the affidavits of costs shall be filed in writing. Your objections must be received at the office of the Medical Examining Board, Room 178, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, on or before November 23, 1996. After reviewing the objections, if any, the Medical Examining Board will issue an Order Fixing Costs. Under sec. 440.23, Wis. Stats., the board may not restore or renew a credential until the holder has made payment to the department in the full amount assessed.

Thank you.

Sincerely,

Pamela A Haack

Pamela A. Haack
Office of Board Legal Services

Enclosures

cc: Medical Examining Board
Department Monitor

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

PLEASE

• Print your name, address, and ZIP Code in this box •

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WAUKEE, WI
PM
1996

96 NOV 18 AM 9:36

REGULATION & LICENSING

Department of Regulation & Licensing
Office of Board Legal Services
P.O Box 8935
Madison, Wisconsin 53708

Asma
LS9504031MED

P 213 148 686

Pal 171

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail *(See reverse)*

Sent to Paul Kelly, Atty	
Street & Number 445 S Moorland	
Post Office, State, & ZIP Code Brookfield WI 53005	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ $2.98
Postmark or Date 11/12/96 Ltr with costs LS9504031MED Asma	

Regd Lic 1400 E Wash

PS Form 3800, April 1995

BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	AFFIDAVIT OF SERVICE
RICHARD M. ASMA, M.D., RESPONDENT.	:	

Pamela A. Haack, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on November 13, 1996, she served the following upon the respondent's attorney:

Letter dated November 12, 1996 with Affidavits of Costs, LS9504031MED

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail, with a return receipt requested in an envelope properly addressed to the above-named respondent's attorney at:

Paul J. Kelly, Attorney
Schellinger & Doyle, S.C.
445 South Moorland Road
Suite 450
Brookfield, WI 53005
Certified P 213 148 686

Pamela A Haack
Pamela A. Haack
Department of Regulation and Licensing

Subscribed and sworn to before me

this 13th day of November, 1996.

Jacqueline B. Pettit
Notary Public
Dane County, Wisconsin
My Commission is Permanent

State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Marlene A Cummings
Secretary

Tommy G Thompson
Governor

1400 E WASHINGTON AVENUE
P O BOX 8935
MADISON, WISCONSIN 53708-8935
(608) 266-2112

November 12, 1996

PAUL J KELLY, ATTORNEY
SCHELLINGER & DOYLE, S.C.
445 SOUTH MOORLAND RD
SUITE 450
BROOKFIELD WI 53005

RE: In The Matter of Disciplinary Proceedings Against Richard M. Asma, M.D., Respondent, LS9504031MED, Assessment of Costs

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Thank you.

Sincerely,

Pamela A Haack

Pamela A. Haack
Office of Board Legal Services

Enclosures

cc Medical Examining Board
Department Monitor

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST	:	ORDER FIXING COSTS Case #LS9504031MED
RICHARD M. ASMA, M.D., RESPONDENT	:	

On October 24, 1996, the Medical Examining Board filed its Final Decision and Order in the above-captioned matter by which the board ordered that pursuant to sec. 440.22, Wis. Stats., 100% of the costs of this proceeding be assessed against respondent. Pursuant to sec. RL 2.18 (4), Wis. Adm. Code, on or about November 8, 1996, the board received the *Affidavit of Costs* in the amount of $5,083.21, filed by Attorney John R. Zwieg. On or about September 25, 1996, the board received the *Affidavit of Costs of Office of Board Legal Services* in the amount of $3,069.79, filed by Administrative Law Judge Donald R. Ritttel. The board considered the affidavits on December 19, 1996, and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding in the amount of $8,153.00, which is 100% of the costs set forth in the affidavits of costs of Donald R. Rittel and John R. Zwieg, which are attached hereto and made a part hereof, are hereby assessed against Richard M. Asma, M.D., and shall be payable by him to the Department of Regulation and Licensing. **Failure of respondent to make payment on or before January 18, 1997, which is the deadline for payment established by the board, shall constitute a violation of the Order unless respondent petitions for and the board grants a different deadline.** Under sec. 440.22 (3), Wis. Stats., the department or board may not restore, renew or otherwise issue any credential to the respondent until respondent has made payment to the department in the full amount assessed.

To ensure that payments for assessed costs are correctly receipted, the attached *"Guidelines for Payment of Costs and/or Forfeitures"* should be enclosed with the payment.

Dated this 19th day of December, 1996 [signature]

g:\bdls\costs1

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935
(608)
TTY# (608) 267-2416 hearing or speech
TRS# 1-800-947-3529 impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On October 24, 1996, the Medical Examining Board took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a forfeiture.

The amount of the costs assessed is: $8,153.00 Case #: LS9504031MED

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of $ 8,153.00

The costs and/or forfeitures are due: January 18, 1997

NAME: Richard M. Asma, M.D. LICENSE NUMBER: 13641

STREET ADDRESS: 8200 N. Teutonia Avenue

CITY: Brown Deer STATE: WI ZIP CODE: 53209

Check whether the payment is for costs or for a forfeiture or both:

X COSTS _____ FORFEITURE

Check whether the payment is for an individual license or an establishment license:

X INDIVIDUAL _____ ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

_____

For Receipting Use Only

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)
Ch. 440.22, Stats.
G:\BDLS\FM2145.DOC

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST RICHARD M. ASMA, M.D., RESPONDENT.	: : : : :	AFFIDAVIT OF COSTS OF OFFICE OF BOARD LEGAL SERVICES (Case No. LS 9504031 MED)

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Donald R. Rittel, being first duly sworn on oath, deposes and states as follows:

1. Your affiant is an attorney licensed to practice law in the state of Wisconsin, and is employed by the Wisconsin Department of Regulation and Licensing, Office of Board Legal Services.

2. In the course of his employment, your affiant was assigned as the administrative law judge in the above-captioned matter.

3. Set out below are the actual costs of this proceeding for the Office of Board Legal Services in this matter:

ADMINISTRATIVE LAW JUDGE EXPENSE
Donald R. Rittel

DATE	ACTIVITY	TIME SPENT
5/4/95	Conducting and preparing Memo on Prehearing Conference	1.00 hours
8/3/95	Preparing For and Conducting Motion Hearing	.75 hours
8/10/95	Preparing Motion Decision	2.00 hours
10/30/95	Presiding over Hearing	6.50 hours
10/31/95	Presiding over Hearing	3.50 hours
	Reviewing Record; Preparing Proposed Decision	25.00 hours
	TOTAL TIME SPENT	38.75 hours

Total administrative law judge expense for Donald R. Rittel,
38.75 hours @ $ 43.814 per hour, salary and benefits: $ 1,697.79

REPORTER EXPENSE
Magne-Script

ACTIVITY	COST	
Attending and transcribing 10/30/95 Hearing	$ 917.00	
Attending and transcribing 10/31/95 Hearing	455.00	
Total reporter expense for Magne-Script:		$ 1,372.00
TOTAL ASSESSABLE COSTS FOR OFFICE OF BOARD LEGAL SERVICES		**$ 3,069.79**

Donald R. Rittel
Administrative Law Judge

Sworn to and subscribed before me
this 25th day of September, 1996.

Robert T. Gauch
Notary Public, State of Wisconsin
My Commission is Permanent

i:alj\costs\asma

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	AFFIDAVIT OF COSTS
RICHARD M. ASMA, M.D., RESPONDENT.	:	LS 9504031 MED

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

John R. Zwieg, being duly sworn, deposes and states as follows:

1. That I am an attorney licensed in the state of Wisconsin and is employed by the Wisconsin Department of Regulation and Licensing, Division of Enforcement.

2. That in the course of those duties I was assigned as a prosecutor in the above captioned matter.

3. That set out below are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above captioned matter.

PROSECUTING ATTORNEY EXPENSE

Date	Activity	Time Spent	
4/29/93	Tele conv w/ DOJ, Div of Criminal Investigations and Brown Deer P.D. re' possible complaint & draft memo		30 min.
5/6/93	Review police reports	1 hrs.	15 min.
5/18/93	Tele conv w/ patient & draft memo		30 min.
1/27/94	Tele conv w/ Atty Terschan & draft memo		15 min.
2/9/94	Review of file & Primary Investigation Complete Summary	2 hrs.	15 min.
4/13/94	Tele conv w/ patient & draft memo		15 min.
8/24/94	Discussion & direction to investigative staff		30 min.
9/30/94	Review of staff memo re' experts		15 min
12/2/94	Tele conv w/ patient and w/ Dr. Kronman's nurse & draft memos		30 min
12/8/94	Tele conv w/ Dr. Kronman & draft memo		30 min

12/12/94	Preparation of investigative materials and ltr to Dr. Kronman and draft memo re authority to retain expert witness	1 hrs.	
12/20/94	Ltr to patient		15 min.
12/20/94	Review of file & draft memo regarding additional investigation		45 min.
1/6/95	Ltr & copy of patient's full med. rec's to Dr. Kronman		15 min.
3/1-3/95	Tele calls from Dr. Kronman & draft memo		30 min.
3/7/95	Mtg w/ Dr. Kronman in Madison & draft memo	2 hrs.	
3/22/95	Discussion of case w/ Board Advisor		15 min.
3/22/95	Review file and draft Complaint	1 hrs.	30 min.
3/31/95	Obtain hearing date and ALJ and draft Notice of Hearing & Identification of Patient	1 hrs.	
4/3/95	Arrange for service of Complaint Ltrs to Dr. Kronman, Officer King & Atty Terschan		45 min.
4/20/95	Review of ltr from Atty Terschan & Complaint, Request for Mediation, Statement of the Case filed in Milwaukee courts Tele conv w/ Atty Kelly & draft memo.		45 min.
4/21/95	Review of ltrs from Atty Kelly & Notice of Retainer, Answer, Interrogatories & Request for Production of Documents		45 min.
4/24/95	Review of ALJ's Notice of Prehearing Conference		15 min.
4/24/95	Review of Interrogatories & Request for Production of Documents & draft memo	1 hrs.	
4/28/95	Review file and draft Complainant's Preliminary Witness List		45 min.
5/1/95	Ltr to Atty Kelly		15 min.
5/1/95	Review of police rpts & draft memo re' further investigation		45 min.
5/4/95	Preparation for and prehearing conference		30 min
5/5/95	Tele conv w/ patient & draft memo		30 min
5/5/95	Review of ALJ's Memorandum on Prehearing Conference		15 min.

5/10/95	Ltrs to Dr. Kronman & Atty Terschan re' prehearing conference, Respondent's deposition & resched hearing		30 min.
5/15/95	Ltr to Officer King re' hearing		15 min.
5/17/95	Review of ltr from Atty Terschan		15 min.
5/22/95	Draft ltr to Atty Kelly & Complainant's Response to Respondent's Interrogatories & Request for Production of Documents	1 hrs.	30 min.
5/30/95	Tele conv w/ Atty Kelly & draft memo		15 min.
6/2/95	Review of ltr from Atty Kelly		15 min.
6/20/95	Review of ltr from Atty Kelly re' interrogatories		15 min.
6/20/95	Review of ltr from Atty Kelly to ALJ & Respondent's Preliminary Witness List		15 min.
6/30/95	Tele conv w/ Atty Terschan & draft memo Re therapist's records		30 min.
7/14/95	Review of ltr from Atty Kelly to ALJ & Notice of Motion & Motion to Stay	1 hrs.	15 min.
7/28/95	Review of ltr from ALJ re' motion hearing		15 min.
8/3/95	Prepare for and oral arguement on Motion to Stay		30 min.
8/9/95	Review of ltr from Atty Terschan & copy of patient's medical records from Nancy Perry	1 hrs.	
8/11/95	Review of ALJ's Order Denying Motion to Stay Proceedings		15 min.
8/29/95	Review of ltr from Atty Terschan & copy of patient's medical records from Crossroads Clinic Tele conv w/ patient & draft memo	1 hrs.	
9/15/95	Tele conv w/ atty. Kelly and ALJ & Review of ALJ's Notice of Adjourned Hearing		30 min.
9/20/95	Review of ltr from Atty Kelly re' Respondent's deposition		15 min.
9/29/95	Tele conv w/ Dr. Kronman and atty. Kelly		30 min.
10/3/95	Preparation for, travel to & from, & attending Respondent's deposition in Brookfield	6 hrs.	

10/5/95	Ltr to Dr. Kronman re' deposition Review of ltr from Atty Kelly re' witness		30 min.
10/10/95	Ltr to Atty Kelly re' Dr. Kronman's deposition		15 min.
10/10/95	Preparation and meeting w/ expert for deposition	3 hrs.	30 min.
10/11/95	Ltr to Atty Terschan		30 min.
10/11/95	Draft memo re' Word Search of Respondent's deposition		45 min.
10/16/95	Travel to & from, & attending Complainant's deposition in Milwaukee	8 hrs.	30 min.
10/17/95	Attend deposition of Dr. Kronman	2 hrs.	
10/19/95	Review of medical literature	3 hrs.	45 min.
10/23/95	Draft subpoenas		30 min.
10/24/95	Meet w/ Complainant in Hubertus, Officer King in Brown Deer and Deposition of Dr. Foley in Milwaukee	11 hrs.	45 min.
10/27/95	Reviewing file in preparation for hearing	6 hrs.	
10/28/95	Reviewing file in preparation for hearing	5 hrs.	
10/30/95	Preparation for and attending hearing	9 hrs.	
10/31/95	Preparation for and attending hearing	4 hrs.	30 min.
11/20-21/95	Draft Complainant's Closing Argument,	3 hrs.	30 min.
11/24/95	Review of Respondent's Closing Statement		30 min.
12/4/95	Draft Complainant's Response to Respondent's Closing Argument,	2 hrs.	15 min.
12/7/95	Review of Respondent's Reply to Complainant's Closing Statement		15 min.
9/26/96	Review of ALJ's Proposed Decision		45 min
10/14/96	Draft Complainant's Objections to Proposed Decision		30 min.
10/16/96	Review of Respondent's Objections to Proposed Decision		15 min.
10/22/96	Draft Complainant's Response to Respondent's Objections to Proposed Decision		15 min.
10/23/96	Review of Respondent's Response to Complainant's Objection		15 min.
TOTAL HOURS		101 Hrs.	15 Min.

Total attorney expense for 101 hours 15 minutes at
$41.00 per hour (based upon average salary and benefits
for Division of Enforcement attorneys) equals: $4,151.25

INVESTIGATIVE STAFF EXPENSE

Date	Activity	Time Spent	
7/7/93	Tele conv w/ patient & draft memo Preparation of consents for release of information & ltr to patient Tele conv w/ Atty Terschan & draft mem Ltr to Atty Terschan	1 hrs.	
8/11/93	Ltr to Dr. Perry re' patient's treatment rec's		15 min.
10/5/93	Tele conv w/ patient & draft memo		30 min.
12/14/93	Ltr to Respondent re' patient's treatment rec's & CME documentation		15 min.
12/15/93	Travel to & from Milwaukee to interview Respondent & draft memo	5 hrs.	
1/19/94	Review of ltr from Atty Terschan		15 min.
1/26/94	Preparation of Case Summary Preparation of investigative materials & ltr to Board Advisor	3 hrs.	45 min.
2/3/94	Preparation of materials requested by Atty Terschan & ltr to Atty Terschan Contact w/ Board Advisor & draft memo	1 hrs.	45 min.
2/7/94	Preparation of Primary Investigation Complete Summary		45 min.
5/9/94	Tele conv w/ patient & draft memo		15 min.
8/3/94	Tele conv w/ patient & draft memo		15 min
8/24/94	Tele conv w/ patient & discussion w/ Atty Zwieg	1 hrs.	
9/30/94	Research on selection of experts & draft memo		45 min.
10/25/94	Tele conv w/ patient & draft memo	hrs.	15 min.
12/22/94	Ltr to Brown Deer Medical Clinic re' patient's treatment rec's		15 min.
3/27/95	Tele conv w/ patient & draft memo		15 min.
4/24/95	Ltr to Dr. Kronman re' rescheduling hearing		15 min.
4/24/95	Tele conv w/ patient & draft memo		15 min.

4/27/95	Tele conv w/ patient & draft memo	45 min.
5/2/95	Draft memo re' Response to Interrogatories	30 min.
9/19/95	Tele conv w/ Atty Terschan's staff re' Complainant's deposition & draft memo	15 min.
9/19/95	Tele conv w/ patient re' hearing date & draft memo	15 min.
10/16/95	Tele conv w/ Capt. Barth of Brown Deer PD & draft memo	30 min.
10/20/95	Tele conv w/ patient & draft memo	30 min.
9/27/96	Ltrs & copy of Proposed Decision to Dr. Kronman, Officer King, Attys Ogorchock & Terschan, & patient	30 min.

TOTAL HOURS	20 Hrs.	15 Min.

Total investigator expense for 20 hours and 15 minutes at $20.00 per hour (based upon average salary and benefits for Division of Enforcement investigators) equals: $405.00

OTHER EXPENSES

12/15/93	Mileage to & from Milwaukee to interview Respondent: 155 miles X 20¢/mile	$ 31.00
10/3/95	Mileage to & from Brookfield for Respondent's deposition: 134 miles X 20¢/mile	$ 26.80
10/16/95	Mileage to & from Milwaukee for Complainant's deposition: 155 miles X 20¢/mile	$ 31.00
10/24/95	Mileage to & from Hubertus, Milwaukee & Brown Deer for witness preperation and Dr. Foley's deposition:195 miles X 20¢/mile	$ 39.00
10/27/95	Copy of Transcript of Dr. Kronman	$ 85.48
10/31/95	Original & Copy of Transcript of Respondent	$312.68
TOTAL other expenses		$526.96

TOTAL ASSESSABLE COSTS **$5,083.21**

John R. Zwieg

Subscribed and sworn to before me
this 8 day of November, 1996.

Notary Public
My Commission is permanent

t:\legal\asmacost.doc

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Richard M. Asma, M.D.,

Respondent.

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On December 26, 1996, I served the Order Fixing Costs dated December 19, 1996, LS9504031MED, upon the Respondent Richard M. Asma's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 213 340 332.

Paul J. Kelly, Attorney
Schellinger & Doyle, S.C.
445 South Moorland Road, Suite 450
Brookfield WI 53005

Kate Rotenberg

Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me
this 26th day of December, 1996.

WILLIAM DUSSO
NOTARY PUBLIC
STATE OF WISCONSIN

Notary Public, State of Wisconsin
My commission is permanent.