

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :

JOSEPH E. TRADER, M.D., :
RESPONDENT. :

FINAL DECISION AND ORDER
93 MED 8

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

Joseph E. Trader, M.D.
501 North Tenth Street
Manitowoc, WI 54220

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 Respondent Joseph E. Trader (dob 11/2/46) is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #18035, first granted on 7/12/72. Respondent is an orthopedic surgeon. Respondent has not been the subject of any other disciplinary proceedings before the Board.

2. The Respondent did, on June 10, 1991, perform arthroscopic surgery on the right knee of patient K.R. which hospital personnel had previously mistakenly prepared for surgery. In fact, surgery had been scheduled and intended only for the left knee of the patient, and consent had been given only for the left knee.

CONCLUSIONS OF LAW

3. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to §448.02(3), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

4. The conduct described in paragraph 2, above, was negligence.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that respondent shall, within 30 days of this order, enter the risk management assessment program of the University of Wisconsin School of Medicine, Continuing Medical Education department, as outlined below. Respondent shall cooperate fully and promptly with the program, and complete any educational program recommended during the assessment. Respondent shall pay all costs associated with the assessment, and program, and shall complete the program within fifteen months of its commencement.

The risk management assessment program shall include:

- A. An on-site assessment of the physician's office practices and procedures (and those of the hospital, in the discretion of the assessors), to include the office's layout, personnel issues, procedures, medical records, informed consent procedures, followup systems, drug and prescription policies, and such other relevant practices and procedures as the assessors may determine are appropriate for review, in their professional judgment and discretion. Respondent and his staff shall cooperate fully with the assessors in this process, and respondent shall request that his colleagues cooperate fully in this process.
- B. A report of the assessment shall be written by the assessors, including (if indicated) a reasonable proposed educational plan which shall include a review of the objectives, educational requirements, expected behavior changes for both physician and staff, time-line, and budget. The physician shall forthwith undertake the educational program and implement the other recommendations of the assessors. If respondent disagrees with the reasonableness of the program or recommendations, the board advisor assigned to this case shall determine the reasonableness of the disputed aspects of the program or recommendations, and his decision shall be final.
- C. Respondent shall comply with the time line of the program, and will respond within 14 days to the written followup questionnaires to be sent to him approximately 3 and 6 months following the initial site visit. Respondent shall cooperate fully with the final site visit which will take place approximately 12 months after the initial site visit.
- D. Following the final site visit, the assessors shall prepare a final assessment which sets forth respondent's compliance with the objectives of the program (including evidence that he has implemented all recommended changes in office procedures and practices) to the extent that he has reduced the risk in his practice to a level consistent with the public's legitimate expectations of safety and the standards of practice of the profession.
- E. Upon successful completion of the program, the UW-CME program shall certify to the Board and respondent that respondent has met the objectives of the program, and this shall be accepted in lieu of other discipline.
- F. Respondent participated in a PIC-Wisconsin review in 1991. UW-CME may, with approval of the board's designee, waive or modify one or more of the foregoing requirements if this would avoid unnecessary duplication of work already done in respect of respondent's practice. The 1991 review documents shall be provided if such a waiver or modification is requested.

IT IS FURTHER ORDERED, that if respondent does not successfully complete the program or does not successfully achieve the objectives of the program, this matter shall be referred to the Board to determine an appropriate discipline for the conduct set out in ¶2 of the Findings of Fact. Respondent will have the opportunity to present argument to the Board on that issue.

IT IS FURTHER ORDERED, that respondent shall pay the costs of investigating and prosecuting this matter in the amount of \$300, within 30 days of this order.

IT IS FURTHER ORDERED, that pursuant to §448.02(4), Wis. Stats., if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license and registration of respondent be summarily suspended pending investigation of the alleged violation.

Dated this 22 day of July, 1994.

WISCONSIN MEDICAL EXAMINING BOARD

by: James L. Esswein, M.D.
James L. Esswein, M.D., Chair

akt
5161

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :

JOSEPH E. TRADER, M.D., :
RESPONDENT. :

STIPULATION
93 MED 8

It is hereby stipulated between the above Respondent and the undersigned prosecuting attorney for the Division of Enforcement of the Department of Regulation and Licensing, as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondent by the Division of Enforcement. Respondent consents to the resolution of this investigation by agreement and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, respondent waives the following rights with respect to disciplinary proceedings: the right to a statement of the allegations against respondent; a right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against respondent; the right to call witnesses on respondent's behalf and to compel attendance of witnesses by subpoena; the right to testify personally; 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 respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of respondent's right to seek legal representation and has obtained legal advice before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. In making this agreement, respondent does not admit liability or wrongdoing, but seeks to resolve what otherwise would be a contested matter. The parties 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.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, 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.

6. The parties agree that an attorney for the Division of Enforcement may appear before the Board, in open or closed session, without the presence of Respondent or Respondent's attorney, for the purposes of speaking in support of this agreement and answering questions that the members of the Board and its staff may have in connection with their deliberations on the case.

7. The Board Advisor in this matter may participate freely in any deliberations of the Board regarding acceptance of this Stipulation and the proposed Final Order, and may relate to the Board any knowledge and view of the case acquired during the investigation.

