

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD**

**IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST
FREDERICK C. SKEMP, JR., M.D.
RESPONDENT.**

**FINAL DECISION AND ORDER
90 MED 550**

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

Frederick C. Skemp, Jr., M.D.
800 West Avenue South
La Crosse, WI 54601

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

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties to 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 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. Frederick C. Skemp, Jr., M.D., respondent herein, is licensed in the state of Wisconsin as a physician. Dr. Skemp's license number is 17880. This license was first granted on April 20, 1972. Dr. Skemp practices family medicine.
2. Dr. Skemp's date of birth is July 23, 1935. His latest address on file with the Department of Regulation and Licensing is Skemp Clinic Ltd., 800 West Avenue South, LaCrosse, Wisconsin 54601.
3. In May, 1985, during a routine physical examination, Dr. Skemp found a lump in the left breast of patient SS.
4. Dr. Skemp referred Patient SS for mammography and to a surgeon.
5. The mammogram was negative but the ultrasound that the mammographer requested showed a cyst.

6. The surgeon attempted to aspirate the cyst but was unsuccessful. The surgeon could not determine whether he had attempted to aspirate a cyst without fluid or whether the needle had missed the cyst.

7. The surgeon asked Patient SS to return in six weeks but patient SS failed to do so.

8. In May, 1986, Dr. Skemp again found the lump. Patient SS told Dr. Skemp that "nothing had been found" during her visit to the surgeon. Dr. Skemp accepted Patient SS's statement even though the surgeon's note indicating otherwise from a year earlier was in the record and patient SS had no scar from a biopsy.

9. Dr. Skemp did not follow up any further even though the lump in Patient SS's breast in fact remained undiagnosed. Dr. Skemp told Patient SS to return in three years.

10. The office progress note that Dr. Skemp dictated and initialed for the May, 1986 visit was incomplete due to a technical dictation fault. Dr. Skemp initialed this note. Dr. Skemp did not attempt to correct or otherwise follow-up on the note.

11. Dr. Skemp's failure to refer to his prior note or the surgeon's note regarding the lump in Patient SS's breast constituted a failure to exercise that degree of care, skill and judgment usually exercised by the average physician who practices family medicine having due regard for the state of medical science at the time in question.

12. Between 1986 and 1989 Dr. Skemp began practicing at an urgent care center in the same community. Dr. Skemp did not have access to Patient SS's previous record.

13. Patient SS came in to the urgent care center to see Dr. Skemp in July of 1989. She was complaining of pain in the left arm which was diagnosed as fibromyositis.

14. In August, 1989, Patient SS's left arm became edematous and wide-spread lymphadenopathy with bone metastases were found. These were secondary to breast carcinoma.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stats. §448.02(3).

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution pursuant to Wis. Stats. §227.44(5).

3. The acts and omissions of Dr. Skemp that are set forth in the Findings of Fact constitute negligence.

ORDER

NOW, THEREFORE, IT IS ORDERED that the attached Stipulation is approved and adopted.

IT IS FURTHER ORDERED that Frederick C. Skemp, Jr., M.D. is hereby reprimanded.

IT IS FURTHER ORDERED that the license to practice medicine and surgery in the State of Wisconsin issued to Frederick C. Skemp, Jr., M.D., license number 17880, shall be and hereby is limited as follows:

Dr. Skemp shall submit to the Board or the Board's designee proof that he has attended in their entirety and satisfactorily completed a minimum of fifteen (15) hours of Category I continuing medical education in the area of risk management no later than nine months after the effective date of this Order. Dr. Skemp must receive pre-approval from the Board or the Board's designee before taking the continuing medical education credits he intends to apply toward satisfaction of the terms of this Order. Dr. Skemp may not apply the aforementioned continuing medical education credits toward his obligation set forth in Wisconsin statutes §448.13 to obtain 30 hours of continuing medical education in each biennium.

IT IS FURTHER ORDERED that the expense of compliance with all of the terms and conditions of this Order shall be the responsibility of Frederick C. Skemp, Jr., M.D.

IT IS FURTHER ORDERED that, pursuant to Wisconsin statutes §448.02(3), if the Board determines there is probable cause to believe that Frederick C. Skemp, Jr., M.D. has violated any term of this Final Decision and Order, the Board may order that the license and registration of respondent may be suspended summarily pending investigation of the alleged violation.

IT IS FURTHER ORDERED that Frederick C. Skemp, Jr., M.D. shall pay to the Department the costs of this investigation pursuant to Wisconsin statutes §440.22 in the amount of \$479.50, not later than 60 days following the effective date of this Order.

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".

This Order shall become effective upon the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By:

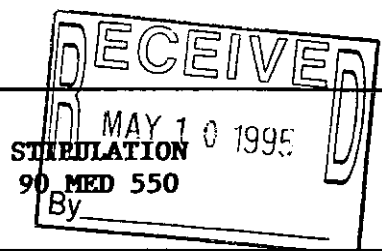

A Member of the Board

Date



STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
FREDERICK C. SKEMP, JR., M.D., :
RESPONDENT. :



It is hereby stipulated between Frederick C. Skemp, Jr. M.D., personally and by his attorney, John W. Markson, Jr., and Peter Sammataro, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Dr. Skemp's licensure by the Division of Enforcement. Dr. Skemp consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Dr. Skemp understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Dr. Skemp is aware of his right to seek legal representation and has obtained legal advice prior to signing this stipulation.
4. Dr. Skemp 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 knowingly and voluntarily 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, 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 to this stipulation agree that the attorney for the Division of Enforcement and the member of the Medical Examining Board

assigned as an advisor in this investigation 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 concerning the stipulation.

7. The Division of Enforcement joins Dr. Skemp in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Frederick C. Skemp, Jr. M.D.
Frederick C. Skemp, Jr., M.D.

6-30-95
Date

John W. Markson, Jr.
John W. Markson, Jr.
Attorney for Respondent

7-6-95
Date

Peter Sammataro
Peter Sammataro
Attorney for the Division of Enforcement

7-11-95
Date

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:

THE STATE OF WISCONSIN MEDICAL EXAMINING BOARD.

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

The Date of Mailing this Decision is:

AUGUST 1, 1995.

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.)