

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/wscca>.
- 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

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
BRYAN A. ROEMER, RCP,	:	LS0309241MED
RESPONDENT.	:	

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 18th day of April, 2004.

Lief Erickson
Secretary
Medical Examining Board

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	PROPOSED
	:	FINAL DECISION AND ORDEER
BRYAN A. ROEMER, RCP,	:	LS0309241MED
RESPONDENT	:	

PARTIES

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

Steven M. Gloe
Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

Bryan A. Roemer
5822 Dixon Rd.
Brandon, WI 53919

PROCEDURAL HISTORY

A hearing in the above-captioned matter was held on December 3, 2003, before Administrative Law Judge William A. Black. The Division of Enforcement appeared by Attorney Steven M. Gloe. The respondent did not appear. The respondent failed to file an answer. A motion to find the respondent in default was made and granted.

Based on the entire record of this case, the undersigned administrative law judge recommends that the Medical Examining Board adopt as its final decision in this matter, the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Bryan A. Roemer (D.O.B. 01/6/59) is duly certified as a respiratory care practitioner in the state of Wisconsin (license #1885). This certificate was first granted on March 10, 1995.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 5822 Dixon Road, Brandon, Wisconsin, 53919.
3. On or about March 5, 1996 the Respondent was found guilty of one [1] count of violation of Wis. Stat. § 450.11(7)(e). [Forgery of Prescriptions]. This conviction was based upon allegations of obtaining prescription drugs by passing forged prescriptions at a pharmacy in the city of Oshkosh. The prescriptions were for Darvocet, a Schedule IV controlled substance.
4. On or about June 18, 1996, Respondent was found guilty of two [2] counts of violation of Wis. Stat. § 450.11(7)(a). [Obtain Prescription by Fraud]. This conviction was based upon allegations of obtaining prescription drugs by passing forged prescriptions at pharmacies in the city of Fond du Lac and the city of Ripon. The prescriptions were for Darvocet.
5. On January 28, 1997 the Respondent was found guilty of one [1] count of violation of Wis. Stat. § 961.43(1)(a). [Obtain Prescription Drugs by Fraud]. This conviction was based upon allegations of obtaining prescription drugs by passing a forged prescription at a pharmacy in the city of Oshkosh. The prescription was for Darvocet.
6. On an exact date unknown, but in October, 2001, Respondent telephoned TZ, a subordinate employee, and attempted to purchase pain medications (Vicodin) prescribed to TZ for Respondent's personal use.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this matter pursuant to section 448.02(3), Stats.
2. By failing to file an Answer as required by Wis. Admin. Code § RL 2.09, and by failing to appear at the hearing, respondent is in default under Wis. Admin. Code § RL 2.14, and the Medical Examining Board may make findings and enter an order on the basis of the Complaint and the evidence presented at the hearing.
3. The conduct described in the findings of fact constitutes violations of Wis. Admin. Code § Med 10.02(2)(p), (r) and (z).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the certificate as a respiratory care practitioner of Bryan A. Roemer, number 1885, is REVOKED, costs awarded to Complainant.

OPINION

Section RL 2.14 of the Wisconsin Administrative Code provides that a respondent who fails to answer a complaint or fails to appear at a hearing is in default. If found to be in default, the disciplinary authority may make findings and enter an order on the basis of the complaint and other evidence against the respondent. In this case, the respondent did not file an answer to the above-captioned complaint, nor did he appear at the scheduled hearing. As a result, the respondent is in default. The attorney for the complainant moved for a finding of default at the evidentiary hearing of this matter and the motion was granted.

Revocation of the respondent's license has been recommended. It is well established that the objectives of professional discipline include the following: (1) to promote the rehabilitation of the licensee; (2) to protect the public; and (3) to deter other licensees from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 209 (1976). Punishment of the licensee is not an appropriate consideration. *State v. McIntyre*, 41 Wis. 2d 481, 485 (1969).

There is nothing in the record to suggest that imposing any discipline short of revocation would have a rehabilitative effect on respondent or that he even has an interest in being rehabilitated. The respondent has not come forward to show remorse or an explanation for his actions. More importantly, the respondent has failed to come forward with any demonstration that he recognizes his serious substance abuse problem and that he has chosen to embark upon a path to recovery.

Absent some mitigating evidence (of which none has been presented), imposing anything less than revocation would not aid in deterrence. To not revoke respondent's license would instead wrongly signal others to engage in similar conduct without consequence. Revocation remains as the only way in which to safeguard the public.

Dated: December 4, 2003

William Anderson Black
Administrative Law Judge