

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
MELANIE K. TREVINO, M.D.,	:	LS# <u>0707183MED</u>
RESPONDENT.	:	

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Division of Enforcement Case No. 04 MED 401

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

Melanie K. Trevino, M.D.  
W293N460 Bryn Drive  
Waukesha, WI 53199

Wisconsin Medical Examining Board  
PO Box 8935  
Madison, WI 53708-8935

Wisconsin Department of Regulation and Licensing  
Division of Enforcement  
PO Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

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. Melanie K. Trevino, M.D. (DOB 06/23/66) is duly licensed to practice medicine and surgery in the state of Wisconsin (license #20-40723). This license was first granted on 02/05/1999. Respondent's specialty is dermatology.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is W293N460 Bryn Drive, Waukesha, WI 53199.

3. At all times relevant to this action, Respondent worked as a laboratory pathologist for DermPath Diagnostics, 12805 W. Burleigh Road, Suite 200, Brookfield, Wisconsin. Her position involves examining skin specimens for skin cancer and other skin conditions. At no time did she see patients nor had she seen any patients since 1999.
4. On September 7, 2004, Respondent voluntarily surrendered her DEA registration subsequent to investigation of and an interview concerning allegations of prescription fraud and controlled substance diversion.
5. On September 27, 2005, Respondent was convicted in Waukesha County Circuit Court, case number 2005CM001173, of two counts of Obtaining a Prescription Drug w/Fraud, a violation of Wis. Stat. § 450.11(7)(a). A copy of the Judgment of Conviction is attached as Exhibit A. A copy of the Criminal Complaint is attached as Exhibit B.
6. Respondent admits that the fraudulent prescriptions were written to obtain drugs for her mother who suffers from Alzheimer's, dementia and an addiction to pain medication.
7. Respondent served a term of probation which was concluded on October 12, 2006, several months prior to the court ordered date of May 3, 2007. As a result of her probation ending, Respondent is now eligible to reapply for her DEA registration but has no intention of doing so. Respondent does not write prescriptions of any type in her position as a laboratory pathologist.
8. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### 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 and Order, pursuant to Wis. Stat. § 227.44(5).
2. The conduct described above constitutes unprofessional conduct in violation of Wis. Admin. Code § Med 10.02(2)(p) and Wis. Admin. Code § MED 10.02(2)(r).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that Melanie K. Trevino, M.D., is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

1. Respondent shall, within sixty (60) days from the date of this Order, pay costs of this proceeding in the amount of SEVEN HUNDRED dollars (\$700.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

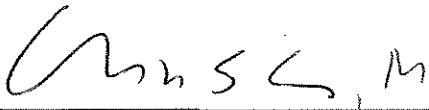
Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

2. Violation of any of the terms of this Order may 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 impose additional conditions and limitations for a violation of any of the terms of this Order. In the event Respondent fails to timely pay costs as ordered, Respondent's license (#20-40723) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

3. Respondent is responsible for compliance with all of the terms and conditions of this Final Decision and Order.

4. This Order is effective on the date of its signing.

MEDICAL EXAMINING BOARD

By:   
A Member of the Board

7/18/07  
Date

State of Wisconsin vs. Melanie K

Trevino

Date of Birth: 06-23-1966

**Judgment of Conviction**Sentence Withheld, Probation  
Ordered

Case No.: 2005CM001173

The defendant was found guilty of the following crime(s):

Description	Violation	Plea	Severity	Date(s) Committed	Trial To	Date(s) Convicted
Obtain Prescription Drug w/ Fraud	450.11(7)(a)	Guilty	Misd. U	09-14-2003		09-27-2005
Obtain Prescription Drug w/ Fraud	450.11(7)(a)	Guilty	Misd. U	09-19-2003		09-27-2005

**IT IS ADJUDGED** that the defendant is guilty as convicted and sentenced as follows:

Ct.	Sent. Date	Sentence	Length	Concurrent with/Consecutive to/Comments	Agency
1	11-03-2005	Probation, sent withheld	18 MO	Probation may terminate early.	Department of Corrections
2	11-03-2005	Probation, sent withheld	18 MO		Department of Corrections

**Conditions of Sentence or Probation****Obligations:** (Total amounts only)

Fine	Court Costs	Attorney Fees	Restitution	Other	Mandatory Victim/Wit. Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge
	40.00				100.00		

**Conditions:**

Ct.	Condition	Agency/Program	Comments
1	Costs		To be paid through Probation.  If probation is revoked or discharged with outstanding financial obligations, a civil judgment shall be entered against the defendant and in favor of restitution victims and governmental entities for the balance due. Collections may include income assignment.
1	Prohibitions		DEA number not to be reinstated during Probation. Defendant not to write any prescriptions.
2	Costs		

**IT IS ADJUDGED** that 0 days sentence credit are due pursuant to § 973.155, Wisconsin Statutes**IT IS ORDERED** that the Sheriff execute this sentence.

State of Wisconsin vs. Melanie K

Trevino

Date of Birth: 06-23-1966

**Judgment of Conviction**Sentence Withheld, Probation  
Ordered

Case No.: 2005CM001173

Paul F. Reilly, Judge  
Mark Langholz, District Attorney  
Michael F Hart, Defense Attorney

BY THE COURT:

Court Official

Date

**FILED**CRIMINAL/TRAFFIC  
DIVISION

NOV 11 2005

WAUKESHA CO., WISCONSIN

STATE OF WISCONSIN

Plaintiff,

-vs-

DA Case No.: PR0405423

Assigned DA/ADA: Mark A. Langholz

Agency Case No.: 03000373

Court Case No.: 05CM1173

ATN:

Melanie K. Trevino  
W293 N460 BRYN DRIVE  
WAUKESHA, WI 53188  
DOB: 06/23/1966  
Sex/Race: F/W  
Eye Color:  
Hair Color:  
Height:  
Weight:  
Alias:

**FILED**  
CRIMINAL/TRAFFIC  
DIVISION

MAY 13 2005

WAUKESHA CO., WISCONSIN

Defendant,

**Criminal Complaint**

Lieutenant Charles Moranchek, of the City of Delafield Police Department, being first duly sworn on oath, upon information and belief, states that:

**Count 1: OBTAIN PRESCRIPTION DRUG W/ FRAUD**

The above-named defendant on or about Sunday, September 14, 2003, at Walgreens pharmacy, located at 2901 Golf Road, in the City of Delafield, Waukesha County, Wisconsin, did attempt to obtain a prescription drug by fraud, contrary to sec. 450.11(7)(a), 450.11(9)(a) Wis. Stats., a Misdemeanor, and upon conviction shall be fined not more than Five Hundred Dollars (\$500) or imprisoned not more than six (6) months or both.

**Count 2: OBTAIN PRESCRIPTION DRUG W/ FRAUD**

The above-named defendant on or about Friday, September 19, 2003, at Walgreens Pharmacy, located at 2901 Golf Road, in the City of Delafield, Waukesha County, Wisconsin, did attempt to obtain a prescription drug by fraud, contrary to sec. 450.11(7)(a), 450.11(9)(a) Wis. Stats., a Misdemeanor, and upon conviction shall be fined not more than Five Hundred Dollars (\$500) or imprisoned not more than six (6) months or both.

**PROBABLE CAUSE:**

And prays that the defendant be dealt with according to law; that the basis for complainant's charge of such offense is: Based upon the investigative reports of Officer Bloedow of the City of Delafield Police Department, hereinafter referred to as the arresting officer, whom your complainant believes to be competent and reliable.

Said reports indicate that in September of 2003, the arresting officer was assigned to investigate a suspicious prescription which had occurred at the Walgreens pharmacy located in Delafield. The arresting officer met with the pharmacist at the store who indicated that a prescription for Hydrocodone was filled on September 14, 2003 for a patient by the name of Eva Peyton. Another prescription for Hydrocodone was again submitted on September 19, 2003 for the same patient. Officer Bloedow indicates that the pharmacist became suspicious based upon the refill being so close

5/12/2005

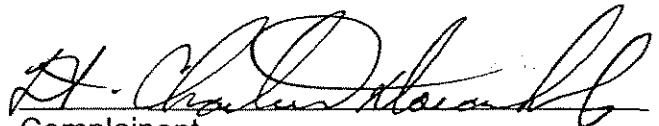
EXHIBIT B

to the original prescription date. Officer Bloedow was further advised that both prescriptions had been made out by Dr. Melanie Trevino.

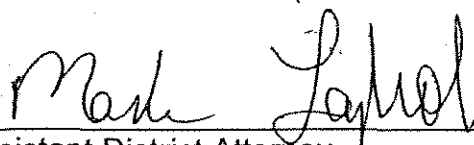
Said reports further indicate that Officer Bloedow did attempt to check on the information regarding the patient, Eva Peyton, however, did learn through his investigation that the address listed for Ms. Peyton was a fictitious address. Officer Bloedow then was able to conduct a garbage search on the residence belonging to Dr. Melanie Trevino and did find a post-it note coming from the Trevino residence with the name of Eva Payton and the fictitious address written on that note. Based upon the possible fraudulent use of prescription writing privileges, Officer Bloedow indicates that the drug enforcement agency did become involved and did begin an investigation for possible federal charges.

Said reports further indicate that in 2004, Officer Bloedow was advised that the DEA would not be pursuing charges against Melanie Trevino. In late 2004, Officer Bloedow did make contact with an individual who was identified as Dr. Melanie Trevino, DOB: 6/23/66, hereinafter referred to as the defendant. The defendant did acknowledge writing false prescriptions and indicated that she wrote these prescriptions for her mother, Millicent Triffet, whom the defendant indicates was suffering from chronic pain. Officer Bloedow indicates that through his investigation, that a large number of suspicious prescriptions written by the defendant under various patient's names. The defendant was shown a list of approximately five different names and the defendant did recognize those names as being the names under which she had written these false prescriptions. The defendant continued to indicate that all of the prescriptions which were falsely written were for her mother.


Based on the foregoing, the complainant believes this complaint to be true and correct.

  
Complainant

Subscribed and sworn to before me  
this 12 day of May, 2005

  
Assistant District Attorney

APPROVED FOR FILING:

  
Assistant District Attorney  
State Bar # 1525458

ML/rcc



STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE :  
DISCIPLINARY PROCEEDINGS AGAINST : STIPULATION  
:  
MELANIE K. TREVINO, M.D., : LS# \_\_\_\_\_  
RESPONDENT. :

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Division of Enforcement Case No. 04 MED 401

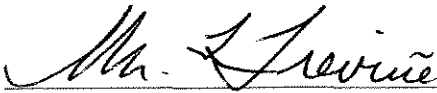
It is hereby stipulated between Melanie K. Trevino, M.D., personally on her own behalf and Michael J. Berndt, Attorney Supervisor, Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (04 MED 401). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
3. Respondent is aware of her right to seek legal representation and has obtained legal advice prior to signing this stipulation.
4. Respondent 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 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 or other agent for the Division of Enforcement and any member of the Medical Examining Board ever assigned as an advisor in

this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this stipulation, the Board's Final Decision and Order is a public record and will be published in accord with standard Department procedure.

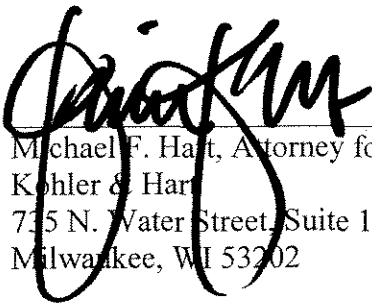
8. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.



Melanie K. Trevino, M.D., Respondent  
W293N460 Bryn Drive  
Waukesha, WI 53199

Date

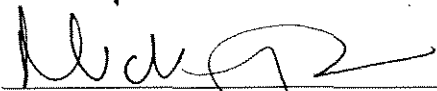
6/11/07



Michael F. Hart, Attorney for Respondent  
Kohler & Hart  
735 N. Water Street, Suite 1212  
Milwaukee, WI 53202

Date

June 26, 2007



Michael J. Berndt, Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
1400 E. Washington Avenue  
P.O. Box 8935  
Madison, WI 53708

Date

6/27/07