

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	INTERIM ORDER
ERIC BERNARD SCHWIETERING, M.D.,	:	LS 0803062 MED
RESPONDENT.	:	

[Division of Enforcement Case No. 06 MED 303]

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

Eric B. Schwietering, M.D.
c/o Attorney Robert J. Heath
Reinhart, Boerner and Van Duren, S.C.
P.O. Box 2965
Milwaukee, WI 53201-2965

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

Wisconsin Medical Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A Notice of Hearing and Complaint were filed in this matter on March 6, 2008. The issue was joined by Respondent on March 27, 2008 by the filing of an Answer and a Motion to Stay. The parties in this matter agree to the terms and conditions of the attached Stipulation and Interim Order until a Final Decision and Order is entered on the Complaint, subject to the approval of the Medical Examining 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. Eric Bernard Schwietering, M.D., Respondent, date of birth May 14, 1966, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin pursuant to license number 35641, which was first granted July 1, 1994.

2. Respondent's address of record with the Department of Regulation and Licensing is 418 N. Third Street, Unit 350, Milwaukee, WI 53203.

3. Respondent's practice specialty listed with the Department is psychiatry.

4. At the time of the events set out in the Complaint, Respondent was practicing as a physician in the field of child psychiatry at Cornerstone Counseling, Inc., 16535 W. Bluemound Road, Suite 200, Brookfield, Wisconsin.

5. On October 29, 2007, in Waukesha County Circuit Court, Case No. 2007 CF 1218, the Waukesha County District Attorney charged Respondent with one count of sexual assault of a child under age 16 years, in violation of Wis. Stat. § 948.12(2).

6. A criminal complaint contains unproven allegations. Unless and until a judgment of conviction is entered, the charged individual is presumed innocent.

7. To avoid jeopardizing Respondent's defense in Waukesha County Circuit Court Case No. 2007 CF 1218, the parties have agreed to postpone the hearing in this proceeding, LS 0803062 MED, until the final disposition of Waukesha County Circuit Court Case No. 2007 CF 1218 through sentencing (if any), provided that Respondent does not practice medicine, engage in counseling or psychotherapy, or hold himself out as licensed to do so.

CONCLUSIONS OF LAW

The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3) and has authority to enter into this stipulation for an Interim Order pursuant to Wis. Stat. § 227.44(5).

ORDER

IT IS ORDERED that Respondent's license to practice as a physician in the State of Wisconsin is suspended effective the date of this Order. The suspension shall continue until the entry of a Final Decision and Order on the Notice of Hearing and Complaint filed in this matter.

IT IS FURTHER ORDERED that this proceeding shall be stayed, including any discovery therein, until such time as the final disposition, at trial level, of Waukesha County Circuit Court Case No. 2007 CF 1218, including sentencing, or until such time as the charges in the Waukesha County Circuit Court case are dismissed.

IT IS FURTHER ORDERED that the action relating to the Complaint shall be reconvened within 30 days after the final disposition of Waukesha County Circuit Court Case No. 2007 CF 1218.

IT IS FURTHER ORDERED that, for the duration of this Interim Order, Respondent shall not engage in the practice of medicine, counseling or psychotherapy, nor shall he hold himself out as one who practices medicine, counseling or psychotherapy.

IT IS FURTHER ORDERED that, for the duration of this Interim Order, Respondent shall not perform any service, whether paid or unpaid, for any facility, agency, organization or service that is licensed, approved, certified or registered with the Department of Health and Family Services under chs 48, 50, 51 and 146 Wis. Stats.

MEDICAL EXAMINING BOARD

By: Gene Musser MD
A Member of the Board

4/23/08
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

	:	
	:	
	:	STIPULATION
ERIC BERNARD SCHWIETERING, M.D.,	:	LS 0803062 MED
RESPONDENT.	:	

[Division of Enforcement Case No. 06 MED 303]

Eric Bernard Schwietering, M.D., personally on his own behalf and by his attorney Robert J. Heath, and Sandra L. Nowack, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. Eric Bernard Schwietering, M.D., Respondent, date of birth May 14, 1966, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin pursuant to license number 35641, which was first granted July 1, 1994.
2. Respondent's address of record with the Department of Regulation and Licensing is 418 N. Third Street, Unit 350, Milwaukee, WI 53203.
3. Respondent's practice specialty listed with the Department is psychiatry.
4. A Notice of Hearing and Complaint were filed in the above matter on March 6, 2008. The issue was joined by Respondent on March 27, 2008 by the filing of an Answer and a Motion to Stay.
5. A hearing date on the formal complaint is to be determined.
6. Respondent is currently not practicing as a physician and agrees that, while the Interim Order is in effect: (1) he will not have direct contact with, see or treat patients or subjects, whether paid or unpaid, as a physician; (2) he will not engage in the practice of counseling or psychotherapy; (3) he will not hold himself out as one who practices counseling or psychotherapy; (4) he will not perform any service, whether paid or unpaid, for any facility agency, organization or service that is licensed, approved, certified or registered with the Department of Health and Family Services under chs 48, 50, 51 and 140 Wis. Stats.; (5) he will fully comply with the terms of his probation supervision.
7. Respondent understands that by signing this Stipulation providing for an Interim Order, Respondent voluntarily and knowingly waives significant rights, pertaining to the Interim Order only, including: the right to a hearing on the allegations against Respondent, 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 Respondent; the right to call witnesses on Respondent's behalf and to compel their attendance 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 under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
8. Respondent has obtained the advice of legal counsel prior to signing this stipulation.
9. Respondent agrees to the adoption of the attached Interim Order by the Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Interim 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.
10. 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.

11. 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 Respondent’s 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 case advisor may vote on whether the Board should accept this Stipulation and issue the attached Interim Order.

12. Respondent is informed that should the Board adopt this Stipulation, the Board’s Interim Order is a public record and will be published in accordance with standard Department procedure.

13. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Interim Order.

Dated: _____

Eric Bernard Schwietering, M.D.
418 N. Third St., Unit 350
Milwaukee, WI 53203

Dated: _____

Robert J. Heath
Attorney for Respondent

Reinhard Boerner Van Deuren s.c.
P.O. Box 2965
Milwaukee, WI 53201-2965

Dated: _____

Sandra Nowack, Prosecuting Attorney
State Bar No. 1025643

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