

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	:	
	:	FINAL DECISION AND ORDER
STEVEN A. ERLEMEIER, M.D.,	:	LS0906201MED
RESPONDENT.	:	

Division of Enforcement Case # 09 MED 97

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

Steven A. Erlemeier, M.D.
Duluth Clinic
400 E. 3rd Street
Duluth, MN 55805

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 & Licensing
1400 East Washington Avenue
P.O. 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 Medical Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Steven A. Erlemeier, M.D., (DOB April 25, 1955) is duly licensed as physician in the state of Wisconsin (license # 38652). This license was first granted on April 4, 1997. Respondent is also licensed as a physician in the state of Minnesota (license # 33685), which was first granted on July 7, 1990. Respondent's Minnesota license is currently suspended. Respondent is board certified in neurology.

2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is Duluth Clinic, 400 E 3rd Street, Duluth, MN 55805.

3. On January 10, 2009, the Complaint Review Committee of the Minnesota Board of Medical Practice ("Minnesota Board") and Respondent entered into a Stipulation and Order. This Order Suspended Indefinitely Respondent's license to practice as a physician in the state of Minnesota. Respondent can petition for reinstatement, but prior to

reinstatement Respondent must: a). undergo a comprehensive mental and physical evaluation to determine whether or not Respondent is fit and competent to resume the practice of medicine with reasonable skill and safety to patients. b). appear before the Minnesota Board to discuss his petition and the report of his comprehensive evaluation. The allegations that lead to the Minnesota Board's Stipulation and Order were that Respondent suffered from a mental health condition/psychotic disorder which affected the care that he provided to patients.

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 in paragraph 3, above, constitutes a violation of Wis. Admin. Code §§ MED 10.02(2)(h), (i) and (q), and subjects Respondent to discipline pursuant to Wis. Stat. § 448.02.

ORDER

IT IS ORDERED:

1. The license of Steven A. Erlemeier, M.D., to practice as a physician in the State of Wisconsin is **SUSPENDED** for an indefinite period.

2. Upon a showing by Respondent that he is fit and competent to resume the practice of medicine with reasonable skill and safety to patients, the Board may grant a petition by the Respondent for return of full licensure.

(a) Within three months prior to any petition for reinstatement, Respondent shall undergo a comprehensive mental and physical evaluation, as directed by the Board, to determine whether or not Respondent is fit and competent to resume the practice of medicine with reasonable skill and safety to patients.

(b) Upon petitioning for reinstatement, Respondent shall appear before the Board to discuss his petition and the report from his comprehensive evaluation. Upon hearing Respondent's petition, the Board may continue, modify, or remove the suspension or impose any limitations it may deem necessary to protect the public.

(c) The Board may, on its own motion or at the request of the Department Monitor, grant full licensure at any time.

3. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor
Wisconsin Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817

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

Wisconsin Medical Examining Board

By: Gene Musser, M.D.
A Member of the Board

6/20/09
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
STEVEN A. ERLEMEIER, M.D., : LS# _____
RESPONDENT. :

Division of Enforcement Case # 09 MED 79

Steven A. Erlemeier, M.D., personally and by his attorney, John D. Kelly; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 09 MED 79). Respondent consents to the resolution of this investigation by stipulation.
2. Respondent understands that by signing 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, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has obtained the advice of legal counsel 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 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 his 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 accordance with standard Department procedure.
8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Steven A. Erlemeier, M.D.
Duluth Clinic
400 E 3rd Street
Duluth, MN 55805

Date

John D. Kelly
Attorney for Steven A. Erlemeier, M.D.
Hanft Fride P.A.
1000 US Bank Place
130 West Superior Street
Duluth, MN 55802-2094

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date