

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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  
:  
MICHAEL T. WITKOVSKY, M.D., :  
RESPONDENT. : **ORDER 0001116**

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Division of Enforcement Case No. 09MED397

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

Michael T. Witkovsky, M.D.  
6800 Aldo Leopold Way  
Middleton, WI 53562

Division of Enforcement  
Department of Safety and Professional Services  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Medical Examining Board  
Department of Safety and Professional Services  
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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Michael T. Witkovsky, M.D., Respondent, date of birth October 11, 1953, 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 32400-20, which was first granted on July 1, 1991.

2. Respondent's last address reported to the Department of Safety and Professional Services (Department) is 6800 Aldo Leopold Way, Middleton, Wisconsin 53562.

3. At the time of the events set forth below, Respondent's area of medical specialty was psychiatry.

4. At the time of the events set out below, Respondent was employed as a physician at Group Health Cooperative of South Central Wisconsin ("GHC-SCW") in Madison, Wisconsin as well as Madison Psychiatric Associates, Ltd. (MPA), in Madison, Wisconsin.

5. On October 21, 2009, GHC-SCW notified Respondent by letter that his employment agreement with GHC-SCW would be retroactively terminated effective July 25, 2009. The basis of the termination was that, as of October 2009, Respondent had 345 open medical records which had not been completed in a timely.

6. GHC-SCW had given Respondent until November 30, 2009 to complete the records; however, Respondent was unable to complete them in that time.

7. On April 28, 2010, the Department was notified by MPA that Respondent had ended his practice of psychiatry with them on April 2, 2010. Respondent failed to maintain adequate records; including not completing initial evaluations, progress notes, or termination summaries.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3) and authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by failing to create patient health care records on every patient for whom services are provided has committed unprofessional conduct as defined by Wis. Admin. Code §§ Med 10.02(2)(a) and Med 21.03 and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

3. Respondent's conduct as set forth in paragraphs 5 through 7 of the Findings of Fact is a violation of Wis. Stat. § 448.02(3) and Wis. Admin. Code § MED 10.02(2)(h).

#### ORDER

1. Michael T. Witkovsky, M.D., Respondent, is hereby REPRIMANDED for the above conduct.

2. The license of Michael T. Witkovsky, M.D. to practice medicine and surgery in the State of Wisconsin is LIMITED, as follows:

a. Within 6 months of the date of this Order, Respondent shall provide proof sufficient to the Board, or its designee, of Respondent's satisfactory completion of the Intensive Course in Medical Record Keeping offered by Case

Western Reserve University School of Medicine, a 17.5 category 1 credit program being offered November 3 and 4, 2011 and again on June 7 and 8, 2012 - Continuing Medical Education.

b. If Respondent is unable to complete the course described in subparagraph a, above, because of illness or other circumstance found to be acceptable by the Board or its designee, Respondent shall, prior to the required completion date, petition for a reasonable extension of time within which to take and complete the course or an equivalent course.

c. Upon Respondent providing proof sufficient to the Board, or its designee, that he has completed the education, the Board or its designee shall issue an Order removing this limitation of Respondent's license.

d. Respondent is responsible for paying the full cost of attending this course. Respondent is prohibited from applying any of the hours of education completed to satisfy the terms of this Order toward satisfaction of the continuing education required during the November 1, 2011 through October 31, 2013 registration biennium.

e. Respondent shall participate in a monitoring program with the following components:

(1) Commencing on November 1, 2011 and concluding no later than May 1, 2013, Respondent shall participate in a monitoring program under the direction of a physician pre-approved by the Board.

(2) The Monitoring physician shall, during the period of monitoring, review 10 medical records created by the Respondent following his completion of the medical record keeping course described in paragraph a, above. Respondent shall make any recommended changes or additions to his medical records as are necessary to comply with the requirement of Wis. Admin. Code § Med 21.03. The Monitoring physician shall review a minimum of five (5) additional records over the following 30 days to determine if the Respondent is in compliance.

(3) All costs of the Monitoring program and the Monitoring physician shall be the sole responsibility of the Respondent. All bills submitted to Respondent shall be paid to the submitting party no later than 30 days after mailing.

3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Safety and Professional Services the costs of this proceeding in the amount of \$800.00 pursuant to Wis. Stat. § 440.22(2).

4. All payments, requests and evidence of completion of the education required by this Order shall be mailed, faxed or delivered to:

Department Monitor  
Department of Safety and Professional Services  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264  
Telephone (608) 267-3817

5. Violation of any of the terms of this Order may be 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 in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered or fails to comply with the ordered continuing education as set forth above, the Respondent's license (32400-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs or completion of the continuing education.

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

MEDICAL EXAMINING BOARD

By:   
A Member of the Board

9/21/11  
Date