

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DONALD F. STONEFELD, M.D.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

0002780

Division of Legal Services and Compliance Case No. 13 MED 082

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

Donald F. Stonefeld, M.D.
3141 Washburn Lake Road
Rhineland, WI 54501

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

On May 15, 2013, the Board issued an Order summarily suspending Respondent's license to practice medicine and surgery in Wisconsin. The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Donald F. Stonefeld, M.D., (dob March 3, 1936), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 35255-20, first issued on March 25, 1994, with registration current through October 31, 2013. On November 6, 2013, Respondent paid renewal fees, however the license cannot be renewed until he resolves a tax delinquency. Respondent retains the right to renew his license through October 31, 2018. As of May 15, 2013, the Board summarily suspended Respondent's license and the current status is therefore suspended and expired. Respondent's most recent address on file with the Wisconsin

Department of Safety and Professional Services (Department) is 3141 Washburn Lake Road, Rhinelander, Wisconsin 54501.

2. Respondent practices psychiatry, but he is not certified by any board recognized by the American Board of Medical Specialties.

PRIOR DISCIPLINE 02 MED 315

3. On March 15, 2006, in case number 02 MED 315, the Wisconsin Medical Examining Board issued an Order in which it concluded that Respondent had violated Wis. Admin. Code § Med 10.02(2)(h). The Board reprimanded Respondent and required him to pay costs. The discipline was ordered pursuant to a stipulated agreement.

4. Respondent's prior discipline was based on his interactions with a fifty-year-old female patient, Patient A. Respondent diagnosed Patient A with bipolar disorder, obsessive/compulsive behavior, post traumatic stress disorder and a personality disorder, NOS. Ultimately Respondent told the patient he wanted to engage in a personal relationship with her but could not if she was his patient. As a result, Patient A agreed to terminate the therapeutic relationship.

5. By stipulation, Respondent agreed that his conduct violated appropriate relationship boundaries between a psychiatrist and his patient.

6. In December 2005, by agreement with the then-Division of Enforcement and at his own expense, Respondent was evaluated by a Minneapolis psychologist with extensive experience evaluating health care providers in the area of professional boundaries. The Minnesota expert opined, to a reasonable degree of professional certainty:

- a. Respondent did not have any psychological disorder;
- b. Respondent, as a result of having taken continuing education in the area of professional boundaries, obtained a good understanding of the subject and did not require further education in the area;
- c. Respondent could safely practice medicine and surgery without limitation.

EVENTS OF 2012

7. At the time of the events set out below, Respondent was employed as a psychiatrist at Multi Cultural Counseling Services, d/b/a Renew Counseling Services, Milwaukee, Wisconsin.

8. On or about May 23, 2012, Respondent began providing psychiatric medication management to Patient B, a 36-year-old female patient. Patient B was diagnosed with obsessive-compulsive disorder and attention deficit disorder. Respondent prescribed multiple medications for Patient B over the next several months.

9. Following the commencement of the physician-patient relationship, Respondent sent text messages to Patient B, in which he: requested a photograph of her; told her that she was

“much prettier now”; offered to lend Patient B a vehicle for camping; and told Patient B that he wanted a “partner.”

10. On September 18, 2012, Respondent engaged in the following text exchange with Patient B (punctuation and spelling as found):

R: please use other phone. This does not open the big messages. Short messages are okay. I like this phone better. How are you?

P: OK, my kids got doc appointments today... Thank God for the insurance cab to get there. it's all the way on 85th N Capital.

R: OK. I will have your \$ tomorrow as promised.

P: thanks... So much.

R: could not stand the thought of you and children with no lights.

P: that's sweet considering two years ago their dad stole \$1000 from me and he knew it was my bill money and my electric was off for a week then till my family pitched into help me. Thank God it was tax time and everyone had \$ to spare[...]

R: OK. So both fathers treat you like shit? Son's fathers stole \$1000 from you?

P: my ex-husband stole from me my five-year-old son's dad pays his child support. He's a good dad but if he helps me he expects sex and I am not a prostitute.

R: sex should be with no price. Not in payment.

P: amen DOC...LOL.

R: if you have sex as a debt there can't be any emotions or love. Just physical. I prefer to have emotion involved. What do you think?

P: I try not to think about sex period... My kids bring me more joy than sex.

R: for me the joy is different. But if you had to pay for help with sex I understand it lost the pleasure. Just a duty to perform. Very sad.

P: U hit it on the head that's exactly how I feel like a piece of meat being used. It makes me not to trust a man's word because I've been told a million times it ain't about sex but as soon as I am alone that's what they take.

R: I have never "taken" anything. Never will.

P: that's why I find it hard to let anyone to do things for me. I always depended on myself in this world because if someone gives you a hand they want an arm back...

R: and remember you don't "owe" me anything. If you feel like giving at sometime all is okay. Guess I will hang around and see if you can get beyond that.

P: most men run at the thought of an investment with no return.

R: I am not investing. And if there is a return, it is a gift and that is much better than a debt. Also, I love knowing I made a difference. Guess it is a pride thing, and I am proud I have made a difference. I am also pretty sure if you decided to give it would be 1000%. I have been used too and I did not like it. I am much more cautious now.

11. In a written statement, Patient B stated that between July and September, 2012:

I saw Dr. Stonefeld for medication management while also receiving counseling at Renew. At first he was distant. However, when I began grooming myself and feeling more positive about myself I immediately noticed a change in his behavior towards me, like body language and kind and flattering words. Sessions became longer period he told me I was beautiful. One time he came up from behind me and moved my shirt and bra so he could see my tattoo. He wanted me to show him all of the tattoos I had but I refused. He gave me a private cell phone number and told me I should call him "day or night." As I left he asked me if he could hug me, and did it tightly. He began to call me at various times of day or night, but the conversations were never therapy related. He asked many questions about my life, and told me not to tell anybody about these calls. He also sent dozens and dozens of text messages. I have copies of many of them. One time he arranged a meeting with me and gave me \$920 for personal expenses. I gave the money to my father for him to hold as evidence of the relationship he was trying to have with me. Later that day, he called and wanted to get together for "adult time." I refused. He has made me very uncomfortable with these unwanted advances, calls, and numerous texts, so I ended the consult with Renew and have changed clinics.

12. Respondent neither admits nor denies the allegations but concedes that the facts alleged are sufficient to justify the Conclusions of Law and Order below. 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 pursuant to Wis. Stat. § 227.44(5).
2. By the conduct described in the Findings of Fact, Respondent Donald F. Stonefeld, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(h) by failing to maintain professional boundaries with a vulnerable patient.
3. As a result of the above conduct, Donald F. Stonefeld, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. The license of Respondent Donald F. Stonefeld, M.D., to practice medicine and surgery (no. 35255-20) in the state of Wisconsin is **SUSPENDED** for a period of six (6) months. The effective date of the commencement of the suspension is retroactive to May 15, 2013, the date the Board summarily suspended Respondent's license to practice medicine and surgery. This Order does not in any way impact any suspension of Respondent's license that is due to any other statute, rule or order.

3. The license of Respondent Donald F. Stonefeld, M.D., to practice medicine and surgery in the state of Wisconsin is further LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent shall provide the board's monitoring liaison with proof that Respondent has, after May 15, 2013, taken and successfully completed an intensive educational program, of no fewer than 16 AMA PRA Category 1 credits, addressing appropriate boundaries between health care professionals and their patients or clients.

b. Courses completed in satisfaction of this limitation shall be preapproved by the Board's monitoring liaison. The course entitled "Medical Ethics, Boundaries and Professionalism", offered by Case Western Reserve University, is preapproved.

c. Proof of successful completion shall be in the form of Respondent's affidavit indicating full and complete participation AND documentation from the course sponsor that Respondent satisfactorily completed the entire course, including any post-course examination.

d. Courses completed in satisfaction of this limitation may NOT be used to satisfy any other continuing education requirements.

e. Costs of all remedial education in satisfaction of this Order are Respondent's responsibility.

f. Respondent shall not meet with any female patient without the presence of an adult in the room at all times. Respondent shall not, at any time, for any duration, be alone with a female patient. The adult chaperone shall not be someone who has a personal relationship with Respondent. Respondent shall document the presence and identity of the chaperone in the patient's health care record. This limitation is permanent.

g. Respondent shall not send, receive or otherwise exchange texts, instant messages, emails, or electronic or computer-related communication with patients or clients. Respondent shall not have non-emergent contact, in-person or otherwise, with any patient, outside of normal office hours (9:00 a.m. to 5:00 p.m.), nor outside of any hours in which his practice or a practice in which he is employed is in operation. In the event that Respondent has legitimate medical need to communicate with any female patient outside of these time periods, Respondent shall notify the Board's monitoring liaison within 24 hours of such contact, and shall report the nature of the contact. This limitation is permanent.

h. Respondent shall have no contact, direct or indirect, with Patient B. This limitation is permanent.

4. For purposes of this Order a patient is defined to mean any person receiving mental health services from Respondent, any person Respondent knows or should know is receiving mental health services from any health care professional employed by Respondent's

employer, any person Respondent knows is receiving mental health services within the place of business in which Respondent practices, or any person who, within the prior two years received mental health services from Respondent.

5. Reports required by this Order shall be sent to the Department Monitor at the address below:

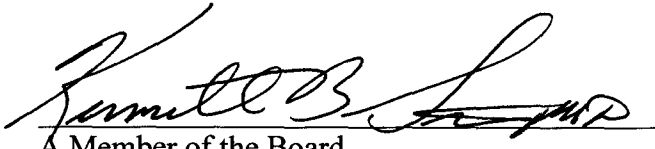
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order, including any non-emergent unchaperoned interaction with any female patient, 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 comply with the practice limitations, or timely submit proof of education as ordered, Respondent's license (no. 35255-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the practice limitations to the satisfaction of the Board's monitoring liaison or other designee.

7. Except as otherwise specified, this Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by:


A Member of the Board

20 November 2013
Date


4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (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 then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the 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.

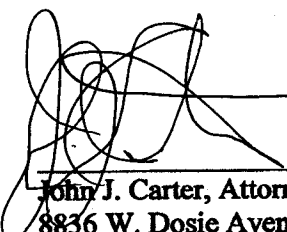
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such 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.

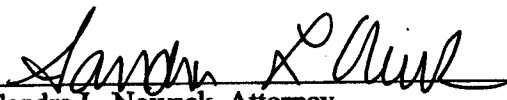
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Donald F. Stonefeld, M.D., Respondent
3141 Washburn Lake Road
Rhinelander, WI 54501
License No. 35255-20

11/Nov/13
Date


John J. Carter, Attorney for Respondent
8836 W. Dosie Avenue
Greenfield, WI 53228-3410

11/13/13
Date


Sandra L. Nowack, Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935
State Bar Number 1025643

11/15/13
Date