

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

MELITA BIESE,
RESPONDENT.

:
:
:
:
:

ADMINISTRATIVE INJUNCTION

0002465

Division of Legal Services and Compliance¹ Case No. 13 UNL 048 (MED)

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

Melita Biese
2021 Church Street
Wauwatosa, WI 53213

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

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

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 Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Melita Biese is not and has never been licensed to practice medicine and surgery in the State of Wisconsin.
2. Through its investigation, the Division of Legal Services and Compliance (Division) believes Respondent lives at 2021 Church Street, Wauwatosa, Wisconsin 53213.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

3. Wis. Stat. § 448.01(9), defines the “practice of medicine and surgery” as:

- (a) To examine into the fact, condition or cause of human health or disease, or to treat, operate, prescribe or advise for the same, by any means or instrumentality.
- (b) To apply principles or techniques of medical sciences in the diagnosis or prevention of any of the conditions described in par. (a) and in sub. (2).
- (c) To penetrate, pierce or sever the tissues of a human being.
- (d) To offer, undertake, attempt or do or hold oneself out in any manner as able to do any of the acts described in this subsection.

4. Pursuant to Wis. Stat. § 448.03(1)(a), “No person may practice medicine and surgery, or attempt to do so or make a representation as authorized to do so, without a license to practice medicine and surgery granted by the board.” Section 448.03(2) delineates exceptions to the licensure requirement, none of which are applicable in this matter.

5. While volunteering for a medical clinic for the homeless, Respondent failed to correct mistaken impressions that she was licensed to practice medicine and surgery in the State of Wisconsin.

6. Respondent states that she never engaged in the practice of medicine and surgery as defined by Wis. Stat. § 448.01(9).

7. Respondent knew or should have known that patients and health care professionals, with whom she worked, believed she was a medical doctor.

8. Respondent neither admits nor denies the allegations, but elected to stipulate to the conclusions of law below.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21, and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. The conduct described above violated Wis. Stat. § 448.03(1).

ORDER

1. The attached stipulation is accepted.


2. Unless and until Respondent is properly licensed to practice medicine and surgery by the Wisconsin Medical Examining Board, Respondent is enjoined and prohibited from the practice of medicine and surgery in the State of Wisconsin. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

3. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer

the violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 6th day of June, 2013.

By: 
Michael J. Berndt, Chief Counsel
On behalf of the Department