

## 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 DISCIPLINARY  
PROCEEDINGS AGAINST

ANNE KRUTCHEN BARTEL, M.D.,  
RESPONDENT.

FINAL DECISION AND ORDER

0003121

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Division of Legal Services and Compliance Case No. 12 MED 439

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

Anne Krutchen Bartel, M.D.  
524 E. Carlisle Ave.  
Whitefish Bay, WI 53217

Wisconsin Medical Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

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 Anne Krutchen Bartel, M.D., (dob August 22, 1962), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 38291-20, first issued on September 13, 1996, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 524 Carlisle Avenue, Whitefish Bay, Wisconsin 53217.

2. On December 5, 2012, in Ozaukee County Circuit Court, Case No. 07 CV 557, the court, based on a jury's verdict, found Respondent negligent in care and treatment of Patient JA. The court also found that Respondent failed to obtain informed consent as required by Wis.

Stat. § 448.30(1). On December 5, 2012, in an unpublished decision, the Wisconsin Court of Appeals, District II, affirmed the circuit court decision.

3. On February 10, 2014, Respondent successfully completed 1.5 credits of remedial education in Do You Know What You Need to Know About Informed Consent, provided by AHC Media, LLC/ ACEP.

4. On February 10, 2014, Respondent successfully completed 1.25 credits of remedial education in Quality Assessment and Improvement in Radiology, provided by the American Roentgen Ray Society.

5. On February 10, 2014, Respondent successfully completed 1.0 credit of remedial education in The Changing Nature of Informed Consent, provided by the Massachusetts Medical Society.

6. On February 10, 2014, Respondent successfully completed .25 credits of remedial education in MedPage Today CME Brief Informed Consent Process Found Waiting, provided by the Perelman School of Medicine at University.

7. Respondent denies the allegations but agrees that these findings of fact are sufficient to sustain the Conclusions of Law and Order below.

#### 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. Pursuant to Wis. Stat. § 448.02(3)(b), a finding by a court that a physician has acted negligently in treating a patient is conclusive evidence that the physician is negligent in treatment.

3. By the conduct described in the Findings of Fact, Respondent Anne Krutchen Bartel, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(u).

4. As a result of the above conduct, Anne K. Bartel, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Anne Krutchen Bartel, M.D., is hereby REPRIMANDED.

3. The Board acknowledges Respondent's successful completion of remedial education as set out in the Findings of Fact paragraphs 3-6, in lieu of remedial education the Board would have otherwise ordered in this case.

4. Within 90 days from the date of this Order, Anne Krutchen Bartel, M.D., shall pay COSTS of this matter in the amount of \$300.00.

5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov


6. Violation of any of the terms of this Order, including failure to pay costs as ordered, 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 additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered, Respondent's license (no. 38291-20) 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.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:

  
A Member of the Board

  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ANNE KRUTCHEN BARTEL, M.D.,  
RESPONDENT.

STIPULATION

0003121

Division of Legal Services and Compliance Case No. 12 MED 439

Respondent Anne Krutchen-Bartel, M.D., with her attorney Marc F. Benjoya, and Sandra L. Nowack, attorney for the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

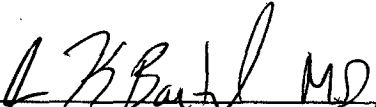
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:
  - 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 on Respondent's own behalf;
  - 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Marc F. Benjoya.
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.

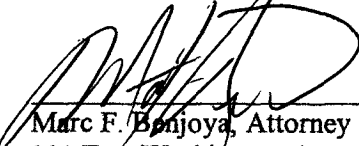
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's 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.

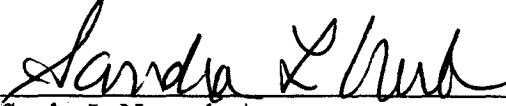
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Anne Krutchen Bartel, M.D., Respondent  
524 E. Carlisle Ave.  
Whitefish Bay, WI 53217  
License no. 38291-20

2/25/14  
Date

  
Marc F. Benjoya, Attorney for Respondent  
111 East Washington Ave., Suite 2100  
Milwaukee, WI 53202

3/3/14  
Date

  
Sandra L. Nowack, Attorney  
State Bar Number 1025643  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190  
Tel. (608) 266-8098  
[sandra.nowack@wisconsin.gov](mailto:sandra.nowack@wisconsin.gov)

3/5/14  
Date