

## 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

STEVEN W. STEINMETZ, M.D.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0003236**

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Division of Legal Services and Compliance Case No. 13 MED 478

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

Steven W. Steinmetz, M.D.  
16238 185<sup>th</sup> Street  
Jim Falls, WI 54748-2360

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 Steven W. Steinmetz, M.D. (dob January 28, 1964), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 49531 - 020, first issued on July 26, 2006, with registration current through October 31, 2015. Respondent is board certified in Family Medicine by the American Board of Family Medicine. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 16238 185<sup>th</sup> Street, Jim Falls, WI 54748-2360.

2. The investigation of this matter resulted from a Medical Malpractice Payment Report from the National Practitioner's DataBank. Respondent was alleged to have failed to order appropriate tests.

3. At all times pertinent to this matter, Respondent provided emergency room care to patients at Chippewa Valley Hospital (CVH), 1220 Third Avenue West, Durand, WI 54737.

4. Shortly after midnight on July 7, 2008, Patient A was transported to CVH's emergency room after having driven through a ditch and being found sleeping in the front seat of his car. He was on a backboard and wearing a neck collar.

5. Respondent attended to Patient A upon his arrival. In his initial assessment, Respondent noted that Patient A complained of right arm, wrist pain, neck pain and lower extremity weakness. He further noted that Patient A was intoxicated, had previous neck surgery, and that he was unable to assess Patient A's strength due to Patient A's intoxication/lack of cooperation.

6. Respondent ordered X-rays of Patient A's right forearm and wrist, as those were the primary areas of Patient A's complaints. He did not order any films of Patient A's neck, in part due to his belief that Patient A was malingering to avoid being arrested (for having been driving under the influence of alcohol). He directed Patient A to take ibuprofen and to follow up with his primary care provider if neck pain or arm pain continued.

7. Shortly after 3:00 p.m. that same day, Patient A returned to the CVH emergency room complaining of increased pain in his arm and neck, as well as continued lower extremity weakness. Respondent again assessed him, and based upon his findings, ordered a CT scan of Patient A's neck.

8. Respondent acknowledges that the better practice in this case was to have ordered cervical spine imaging of Patient A's neck during Patient A's first presentation to CVH.

#### 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. The conduct described in the Findings of Fact constitutes the practice of medicine and surgery which falls below the minimum standards of competency.

3. By the conduct described in Findings of Fact, Respondent Steven W. Steinmetz, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(h).

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

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent, Steven W. Steinmetz, M.D. (license number 49531-020), is REPRIMANDED.

3. Within ninety (90) days of the date of this Order, Steven W. Steinmetz, M.D., shall pay COSTS of this matter in the amount of \$582.25.

4. 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:

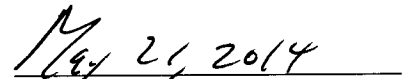
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

5. In the event Respondent fails to timely submit payment of costs as ordered, Respondent's license (no. 49531-020) 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. 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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

STEVEN W. STEINMETZ, M.D.,  
RESPONDENT.

STIPULATION  
**0003236**

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Division of Legal Services and Compliance Case No. 13 MED 478

Respondent Steven W. Steinmetz, M.D. and 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 Attorney Marlene S. Garvis.
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 attached.

Stipulation

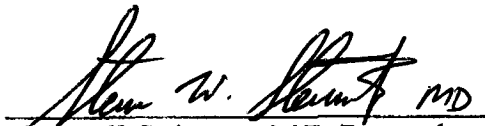
In the matter of disciplinary proceedings against  
Steven W. Steinmetz, M.D. 13 MED 478

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, 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.

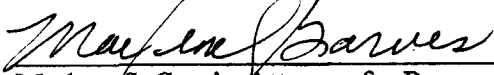
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Steven W. Steinmetz, M.D, Respondent  
16238 185<sup>th</sup> Street  
Jim Falls, WI 54748-2360  
License No. 49531 - 020

04/04/2014  
Date



Marlene S. Garvis, Attorney for Respondent  
Jardine, Logan & O'Brien, P.L.L.P.  
8519 Eagle Point Boulevard, Ste. 100  
Lake Elmo, MN 55042

04/16/2014  
Date



Yolanda Y. McGowan, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

4/21/14  
Date