

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

BARRY I. SPIEGEL, D.O.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

0003280

Division of Legal Services and Compliance Case No. 13 MED 190

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

Barry I. Spiegel, D.O.
Quality Addiction Management
2422 N. Grandview Boulevard
Waukesha, WI 53188-6105

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 Barry I. Spiegel, D.O., (dob April 7, 1955), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 31831-21, first issued on January 23, 1991, with registration current through February 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Quality Addiction Management, 2422 North Grandview Boulevard, Waukesha, Wisconsin 53188-6105.

2. Over a period of years, multiple adult female patients have reported feeling that, in the course of medical treatment, Respondent has been inappropriately familiar with them

3. There is no allegation that Respondent engaged in sexual contact with any of the reporting patients.

4. On September 29, 2012, Respondent successfully completed a course, "Professional Boundaries and Boundary Violations: A Primer", sponsored by the University of California, Irvine School of Medicine. Respondent earned 16 AMA PRA Category 1 Credits.

5. 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).

Note: All references to Wis. Admin. Code § Med 10.02(2) refer to the Code as it existed before October 1, 2013.

2. By the conduct described in the Findings of Fact, Respondent Barry I. Spiegel, D.O., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(intro).

3. As a result of the above conduct, Barry I. Spiegel, D.O., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Barry I. Spiegel, D.O., is REPRIMANDED.

3. The license to practice medicine and surgery in Wisconsin issued to Barry I. Spiegel, D.O., (license number 31831-21) is LIMITED to wit: Respondent shall have a chaperone present during any appointment or other professional meeting with a female patient.

- a. Unless a patient requests a particular chaperone, the chaperone shall be a healthcare professional or paraprofessional who is not related to Respondent.
- b. If the patient is a child under age 14, a parent or legal guardian may serve as the chaperone if requested by the parent or legal guardian.
- c. Respondent shall document the identity of the chaperone in the patient health care record, and the chaperone shall initial and date the record.
- d. This limitation is permanent.

4. The license to practice medicine and surgery in Wisconsin issued to Barry I. Spiegel, D.O., (license number 31831-21) is further LIMITED to wit: On an annual basis, at least once per calendar year, Respondent shall take and successfully complete a remedial education course on professional boundaries as follows:

- a. During every calendar year, beginning in 2014, Respondent shall successfully complete at least 4 hours of education on the subject of professional boundaries. The course(s) must be pre-approved by the Board's designee. Courses taken without preapproval may NOT be used to satisfy the remedial education requirements of this Order.
- b. Within thirty days of completion of preapproved remedial education, Respondent shall submit proof of successful completion in the form of verification from the institution or organization that provided the education. Successful completion requires that Respondent take and pass any exam offered for the course(s).
- c. None of the remedial education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.
- d. The Department may remove this limitation from Respondent's license after 5 years of compliance when and if Respondent has satisfied the Board or its Board's designee that the annual education requirement is no longer necessary. This is a discretionary determination, and is not reviewable.
- e. Respondent is responsible for all costs associated with this limitation.

5. Within 90 days from the date of this Order, Barry I. Spiegel, D.O., shall pay COSTS of this matter in the amount of \$1,025.00.

6. 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

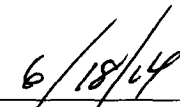
7. Violation of any of the terms of this Order, including failure to use chaperones under the terms above, may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose 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 costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 31831-21) 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 and completion of the education.

8. 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

BARRY I. SPIEGEL, D.O.,
RESPONDENT.

STIPULATION

0003200

Division of Legal Services and Compliance Case No. 13 MED 190

Respondent Barry I. Spiegel, D.O., 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.

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

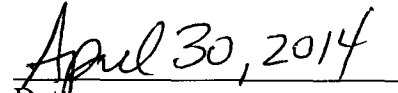
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

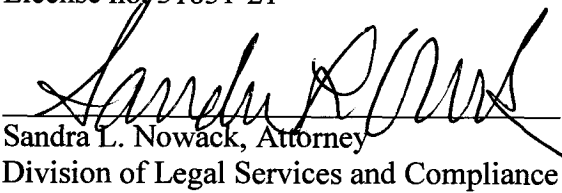
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

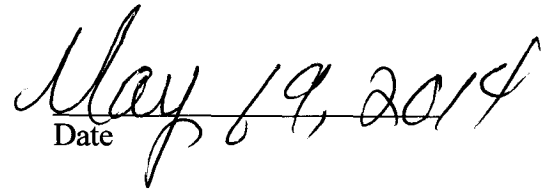
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.


Barry I. Spiegel, D.O., Respondent
Quality Addiction Management
2422 N. Grandview Boulevard
Waukesha, WI 53188-6105
License no. 31831-21


Date


Sandra L. Nowack, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190


Date