

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 :
 : FINAL DECISION AND ORDER
JOHN D. RIESCH, M.D., :
RESPONDENT. : **0003566**

Division of Legal Services and Compliance Case No. 14 MED 226

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

John D. Riesch, M.D.
N84W15787 Menomonee Ave., Ste. 5
Menomonee Falls, WI 53051

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 John D. Riesch, M.D., (dob August 23, 1930), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 13376-20, first issued on July 30, 1959, 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 N84W15787 Menomonee Avenue, Suite 5, Menomonee Falls, Wisconsin 53051.

2. At all times relevant to this action, Respondent was employed as a physician at the Menominee Falls Ambulatory Surgical Center in Menomonee Falls, Wisconsin (Center).

3. The Center conducted peer review activities of Respondent's colonoscopy technique and determined that Respondent: did not provide a complete screen on five colonoscopies due to the rapid withdrawal of the colonoscope; failed to clearly visualize the cecum on all occasions; and that Respondent's procedures did not meet the Adenoma Detection Rate standard.

4. Respondent disputes the peer review determinations, but acknowledges that his colonoscopy technique is different than the technique used by his colleagues. Respondent asserts that his technique is preferred by patients and is consistent with his training and practice of the last 30 years.

5. Nevertheless, Respondent has voluntarily surrendered his colonoscopy privileges at the Center. Respondent has not performed any colonoscopies since April 2014, and states that he has no intention of performing colonoscopies in the future

6. 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).

ORDER

1. The attached Stipulation is accepted.

2. The medicine and surgery license issued to John D. Riesch, M.D., (license number 13376-20) is LIMITED as follows:

a. Respondent shall not perform colonoscopies at the Center or any other location at which he engages in the practice of medicine.

b. Respondent shall provide a copy of this Order to the medical director(s) of the Center and any other location at which he engages in the practice of medicine.

c. In the event that Respondent shall in the future seek medical staff privileges to perform colonoscopies, Respondent shall first do all of the following:

i. Provide a copy of this Order to the medical director at every facility where Respondent seeks privileges; and

ii. Complete no less than 10 credits of continuing medical education on the subject of colonoscopy technique, and

more as deemed necessary by the medical director of the facility at which Respondent is seeking privileges.

d. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Wisconsin Medical Examining Board, or its designee, prior to commencement of the course(s).

e. The Board or its designee may reject any course(s) and may accept a course for less than the number of hours for which Respondent seeks approval.

f. Within 30 days of completion of each educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that he has attended, in its entirety, the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.

g. Respondent is responsible for all costs associated with compliance with this educational requirement.

h. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

3. Within 90 days from the date of this Order, John D. Riesch, M.D., shall pay COSTS of this matter in the amount of \$286.67.

4. 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

5. Violation of any of the terms of this Order 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. 13376-20) 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 and completion of the education.

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

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board

Nov 19, 2014
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN D. RIESCH, M.D.,
RESPONDENT.

STIPULATION

0003566

Division of Legal Services and Compliance Case No. 14 MED 226

Respondent John D. Riesch, 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.

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.

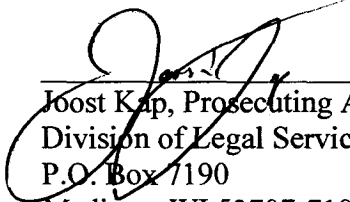
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



John D. Riesch, M.D., Respondent
N84W15787 Menomonee Ave
Menomonee Falls WI 53051
License no. 13376-20

10-14-14
Date



Joost Kap, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

10/16/14
Date