

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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/wscca>

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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ANDREW R. WENTZEL, D.O.,  
RESPONDENT.

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:  
: FINAL DECISION AND ORDER  
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:

0003636

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Division of Legal Services and Compliance Case No. 14 MED 503

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

Andrew R. Wentzel, D.O.  
711 7<sup>th</sup> Avenue  
Madison, MN 56256

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 Andrew R. Wentzel, D.O. (dob April 27, 1973) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 44241-21, first issued on March 14, 2002, 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 711 7<sup>th</sup> Avenue, Madison, MN 56256.
2. Respondent is also licensed to practice medicine in Minnesota and Michigan.
3. Respondent contracted viral encephalitis in August 2008, and resultantly, was unable to practice medicine from September 2008 through January of 2013.

4. In anticipation of resuming the practice of medicine, in June of 2014, Respondent underwent a comprehensive evaluation conducted by the Center for Personalized Education for Physicians (“CPEP”) located in Denver, Colorado. Thereafter, he applied to the Minnesota Board of Medical Practice (“MN Board”) for a license to practice medicine in that state.

5. The MN Board considered Respondent’s application and concluded that based upon his history of illness, extended period of recovery, and possible cognitive impairment as a result of encephalopathy, a license with conditions and restrictions should be granted.

6. Pursuant to a stipulated agreement between the Respondent and the MN Board, an Order dated September 13, 2014 (“MN Order”) was issued granting Respondent a limited license.

7. The terms and conditions of the MN Order, effective for a minimum of two years, include, *inter alia*, the following most pertinent provisions:

- a. Respondent must submit to evaluation by the Health Professionals Services Program (“HPSP”) and if recommended by HPSP, enter into a Participation Agreement and Monitoring Plan, and shall fully comply with all the terms and conditions thereof;
- b. practice only in an approved setting, and
- c. obtain a work-site monitor.

8. Respondent submitted to the HPSP evaluation and has enrolled in a Participation Agreement and Monitoring Plan as recommended.

9. 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).

2. By the conduct described in the Findings of Fact, Respondent Andrew R. Wentzel, D.O., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.03(3)(c) (Oct. 2013) by having adverse action taken by another jurisdiction against his license to practice medicine and surgery.

3. As a result of the above conduct, Andrew R. Wentzel, D.O., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.
2. The license to practice medicine and surgery issued to Andrew R. Wentzel, D.O., is LIMITED, as follows:

a. Respondent is to maintain full and complete compliance with all terms, limitations, and conditions imposed by the September 13, 2014 Minnesota Order. Any conclusion by the Minnesota Board that Respondent has violated the MN Order is conclusive evidence of a violation of this Order.

b. Respondent shall provide the Board with a copy of any document issued by the Minnesota Board of Medical Practice which alters the conditions of Respondent's continued practice of medicine and surgery in the state of Minnesota, including any document advising reinstatement of full licensure.

c. In the event Respondent plans to practice medicine and surgery in the state of Wisconsin, he shall notify the Board of his intentions and practice address at least ninety (90) days prior to his anticipated practice date. At that time, the Board may consider whether alternate or additional limitations upon Respondent's license may be appropriate.

d. Upon Respondent providing proof sufficient to the Board or its designee that he has successfully complied with all terms and conditions of the September 13, 2014 Minnesota Order and that the limitations on his Minnesota license have been removed, the Board or its designee shall issue an Order removing the limitation on Respondent's license.

3. Within 90 days from the date of this Order, Andrew R. Wentzel, D.O., shall pay COSTS of this matter in the amount of \$ 284.67.

4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

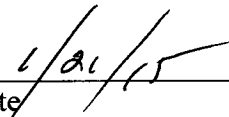
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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, Respondent's license (44241-21) 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.

6. 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

ANDREW R. WENTZEL, D.O.,  
RESPONDENT.

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:  
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STIPULATION

0003636

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Division of Legal Services and Compliance Case No. 14 MED 503

Respondent Andrew R. Wentzel, 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

Stipulation  
In the matter of disciplinary proceedings against  
Andrew R. Wentzel, D.O., Case No. 14 MED 503

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.

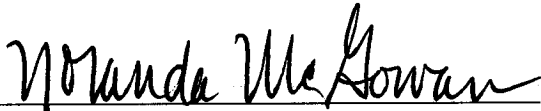
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



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Andrew R. Wentzel, D.O, Respondent  
711 7th Avenue  
Madison, MN 56256  
License No. 44241-21

12/16/14  
\_\_\_\_\_  
Date



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

1/5/15  
\_\_\_\_\_  
Date