

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 :
WESTSCOT G. KRIEGER, M.D., : FINAL DECISION AND ORDER
RESPONDENT. :

00038 17

Division of Legal Services and Compliance Case No. 13 MED 329

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

Westscot G. Krieger, M.D.
1611 E. Robin Way
Appleton, WI 54915-4214

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 Westscot G. Krieger, M.D., (dob August 12, 1953), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 26410-20 first issued on October 26, 1984, 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 1611 E. Robin Way, Appleton, Wisconsin 54915-4214.

2. Respondent is or has been licensed in Illinois, Michigan, and Minnesota. Respondent practices occupational medicine, and is not certified by any Board recognized by the American Board of Medical Specialties.

Prior Discipline

3. On May 27, 1993, the Board, in case number 92 MED 053, suspended Respondent's license to practice medicine and surgery for ninety days and required him to comply with an impairment order. Respondent had supplied marijuana to a non-patient friend and ingested the marijuana with the friend. Respondent also provided stimulants for use by the same non-patient friend. Finally, Respondent obtained and ingested stimulants without a valid prescription. Respondent acted for reasons other than legitimate medical treatment. On July 7, 1997, the Board restored Respondent's unlimited license.

Instant Case

4. On approximately October 8, 2014, Respondent's employer terminated Respondent's employment as a physician and medical director of a clinic in Racine, Wisconsin.

5. Respondent had relapsed into alcohol dependency; he was self-medicating for pain and anxiety.

COUNT I

6. During the time Respondent was employed in Racine, he also practiced medicine in the Appleton, Wisconsin area, mostly on Saturdays.

7. In Appleton, Respondent saw approximately 20-25 chronic pain patients at his home, in coffee shops, and at an office.

8. Respondent did not create and maintain full and accurate patient health care records, including prescription orders, for all patient encounters that occurred in Appleton.

COUNT II

9. In approximately October 2014, Respondent charged patients who were seeing him for chronic pain \$120.00 for an initial visit and \$60.00 for each subsequent month for which he prescribed controlled medications.

10. If Respondent prescribed controlled substances for a three-month period, he charged patients for three months of care even if he saw the patient only once during the three-month period. If Respondent prescribed controlled substances for only one month, he charged the patient for one month of care.

11. Respondent told the Board's representative that he did not charge for each prescription, but rather for the period of time for which he prescribed medications.

12. A physician's act of charging a patient based on the amount of medication prescribed, rather than for services provided, is unethical.

13. A physician's act of charging a patient based on the time-period over which medications are prescribed, rather than for services actually provided, is unethical.

COUNT III

14. Between approximately January 2014 and October 13, 2014, Respondent smoked marijuana a few times each month.

COUNT IV

15. Between approximately January 2013 and October 13, 2014, Respondent obtained methylphenidate for his own use and without a valid prescription.

16. When asked by the Board's representative, Respondent initially declined to disclose the source of the unprescribed methylphenidate. Respondent has since identified an unlicensed individual who was not a patient as the source of the methylphenidate.

17. Respondent neither admits nor denies that he engaged in unprofessional conduct but stipulates to the conclusions of law and order below.

18. Respondent is currently involved in AODA treatment. Respondent reports that he is remorseful, accepts responsibility for his conduct, and is motivated to work toward his continued recovery.

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. Marijuana contains tetrahydrocannabinols, which is a Schedule I controlled substance. See Wis. Stat. § 961.14(4)(t).

3. In Wisconsin there is no legitimate medical use for which possession of tetrahydrocannabinol is lawful. See Wis. Stat. § 961.13(1m).

4. Methylphenidate is a central nervous system stimulant and a Schedule II controlled substance pursuant to Wis. Stat. § 961.16(5)(d).

5. By the conduct described in Count I of the Findings of Fact, Respondent Westscot G. Krieger, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(e) by failing to establish and maintain timely patient health care records, including records of prescription orders, under s. Med 21.03, or as otherwise required by law.

6. By the conduct described in Count II of the Findings of Fact, Respondent Westscot G. Krieger, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(1)(d) by employing unethical business practices.

7. By the conduct described in Counts III and IV of the Findings of Fact, Respondent Westscot G. Krieger, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(e) by obtaining a controlled substance other than in the course of legitimate professional practice or as otherwise permitted by law.

8. As a result of the above conduct, Westscot G. Krieger, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

IT IS ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, effective the date of this Order:

SUSPENSION

- A.1. The license of Westscot G. Krieger, M.D., license no. 26410-20, to practice as a physician in the state of Wisconsin is SUSPENDED for an indefinite period, commencing on April 17, 2015.
- A.2. Respondent shall mail or physically deliver all indicia of Wisconsin licensure to practice as a physician to the Department Monitor within two (2) weeks of the effective date of the suspension. Limited credentials can be printed from the Department of Safety and Professional Services website at <http://dsps.wi.gov/>.
- A.3. Upon a showing by Respondent of continuous, successful compliance for a period of at least five (5) years with the terms of this Order, including at least 600 hours of active practice for every year the suspension is stayed, the Board may grant a petition by the Respondent under paragraph D.6. for return of full Wisconsin licensure. The Board may, on its own motion or at the request of the Department Monitor, grant full Wisconsin licensure at any time. At the Board's discretion, the 5-year period may be started anew for every substantial or repeated violation of any provision of Sections C or D of this Order.

STAY OF SUSPENSION

- B.1. The suspension of Respondent's Wisconsin license may not be stayed for a period of six (6) months. After six (6) months, the suspension may be stayed upon Respondent petitioning the Board and providing proof, which is determined by the Board or its designee to be sufficient, that Respondent:
 - a. is in compliance with the provisions of Sections C and D of this Order, and that Respondent's Treater is of the opinion that Respondent is able to safely and reliably practice medicine and surgery under the restrictions of this Order; and
- B.2. The Board or its designee may, without hearing, remove the stay upon receipt of information that Respondent is in substantial or repeated violation of any provision of Sections C or D of this Order. A substantial violation includes, but is not limited to, a positive drug or alcohol screen. A repeated violation is defined as the multiple violation of the same provision or violation of more than one provision. The Board or its designee may, in conjunction with any removal of any stay, prohibit the Respondent for a specified period of time from seeking a reinstatement of the stay under paragraph B.4.
- B.3. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:
 - a. Mailing to Respondent's last-known address provided to the Department of Safety and Professional Services pursuant to Wis. Stat. § 440.11; or
 - b. Actual notice to Respondent or Respondent's attorney.

- B.4. The Board or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.
- B.5. If Respondent requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. SPS 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within sixty (60) days of receipt of Respondent's request, unless waived by Respondent. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

CONDITIONS AND LIMITATIONS

Treatment Required

- C.1. Respondent shall enter into, and shall continue, drug and alcohol treatment with a treater acceptable to the Board or its designee ("Treater"). Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater.
- C.2. Respondent shall immediately provide Treater with a copy of this Final Decision and Order and all other subsequent orders.
- C.3. Treater shall be responsible for coordinating Respondent's rehabilitation and treatment as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor (See D.1., below). If Treater is unable or unwilling to serve as required by this Order, Respondent shall immediately seek approval of a successor Treater by the Board or its designee.
- C.4. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Treater. Therapy may end only with the approval of the Board or its designee, after receiving a petition for modification as required by D.4., below.
- C.5. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in drug and alcohol treatment. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

Releases

- C.6. Respondent shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collection sites current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Safety and Professional Services, Division of Legal Services and Compliance to: (a) obtain all specimen screen results and patient health care and treatment records and reports, and (b) discuss the progress of Respondent's treatment and rehabilitation with Treater and treatment facilities and personnel, laboratories and collection sites. Copies of these releases shall immediately be filed with the Department Monitor.

AA/NA Meetings

- C.7. Respondent shall attend Narcotics Anonymous and/or Alcoholics Anonymous meetings or an equivalent program for recovering professionals, at the frequency recommended by

Treater, but no less than twice per week. Attendance of Respondent at such meetings shall be verified and reported quarterly to Treater and the Department Monitor.

Sobriety

- C.8. Respondent shall abstain from all personal use of alcohol.
- C.9. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, Treater and the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.
- C.10. Respondent shall abstain from all use of over-the-counter medications or other substances (including but not limited to natural substances such as poppy seeds) which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation. It is Respondent's responsibility to educate himself about the medications and substances which may violate this paragraph, and to avoid those medications and substances.
- C.11. Respondent shall report to Treater and the Department Monitor all prescription medications and drugs taken by Respondent. Reports must be received within 24 hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the prescription is filled or refilled, Respondent shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- C.12. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that they may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation, shall not be taken unless ordered by a physician and approved by Treater, in which case the drug must be reported as described in paragraph C.11.

Drug and Alcohol Screens

- C.13. Respondent shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department ("Approved Program").
- C.14. At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:
 - a. Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.

- b. Production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
- C.15. The Approved Program shall require the testing of specimens at a frequency of not less than 49 times per year, for the first year of this Order. After the first year, Respondent may petition the Board on an annual basis for a modification of the frequency of tests. The board may adjust the frequency of testing on its own initiative at any time.
- C.16. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, Respondent shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
- C.17. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent to do any or all of the following: (a) submit additional specimens; (b) furnish any specimen in a directly witnessed manner; or (c) submit specimens on a more frequent basis.
- C.18. All confirmed positive test results shall be presumed to be valid. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
- C.19. The Approved Program shall submit information and reports to the Department Monitor as directed.

PRACTICE LIMITATIONS

Authorization to prescribe, dispense, administer and order controlled substances.

- C.20. Respondent does not have a current certificate of registration that authorizes him to prescribe, dispense, administer and order controlled substances. Respondent may not, without written permission from the Board or its designee, apply for reinstatement of his DEA certificate(s) of registration, or otherwise reapply for authorization to prescribe, dispense, administer or order controlled substances.
- C.21. No sooner than six (6) months after the initial stay of suspension, Respondent may petition the Board for permission to reapply for his DEA certificate(s) of registration. The petition shall establish, to the discretionary satisfaction of the Board or its designee, that Respondent has successfully completed one of the following remedial education courses, or a substantially equivalent course which has been preapproved by the Board or its designee:
- a. *Intensive Course in Controlled Substance Prescribing*, Case Western Reserve University School of Medicine.
 - b. *Physician Prescribing Course*, University of California, San Diego School of Medicine.
 - c. *Prescribing Controlled Drugs: Critical Issues & Common Pitfalls of Misprescribing*, University of Florida College of Medicine, Department of Psychiatry.
 - d. *Prescribing Controlled Drugs*, Vanderbilt University School of Medicine and the Center for Professional Health.

- C.22. If Respondent elects to take remedial education other than those specified in paragraph C.21., Respondent is responsible for obtaining preapproval of remedial education courses. Respondent is responsible for all costs associated with all remedial education, and for obtaining proof of course completion. Remedial education completed without prior authorization, except as set out in paragraph C.21. above, will not be accepted to satisfy this requirement.
- C.23. Remedial education courses used to fulfill this limitation may not be used to satisfy any continuing education requirement or other educational requirement imposed by law.

Practice conditions

- C.24. No later than 48 hours after the effective date of this Order, Respondent shall furnish a copy of this Order to all present employers and to any facility at which Respondent currently has hospital privileges.
- C.25. Respondent shall furnish a copy of this Order along with any future application for privileges, licensure or employment in the health care field.
- C.26. Respondent shall not work as a physician or other health care provider in a setting in which Respondent has access to controlled substances.
- C.27. Respondent shall practice only in a work setting pre-approved by the Board or its designee.
- C.28. Respondent shall report to the Board any change of employment status, professional privilege, residence, address or telephone number at least seven days before the date of a change.
- C.29. Respondent shall not engage in acts constituting unprofessional conduct for which the Board or its designee determines there is probable cause.

Professional Mentor

- C.30. For a period of at least three consecutive years after the stay of the suspension, Respondent shall practice only under the oversight and under the direction of a professional mentor approved by the Board.
- C.31. Respondent is responsible for obtaining a professional mentor acceptable to and preapproved by the Board or its designee.
- C.32. An acceptable professional mentor may be Respondent's employer or supervisor, subject to the other requirements of this Order. An acceptable professional mentor shall otherwise have no prior or current business or personal relationship with Respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Department (including but not limited to any bartering relationship, mutual referral of patients, etc.). A professional mentor shall:
- a. possess a current and unlimited license to practice medicine and surgery in Wisconsin;
 - b. be actively practicing medicine and surgery in the state of Wisconsin;
 - c. shall be board certified by an ABMS-recognized board in a specialty relevant to Respondent's field of practice;

- d. must have a valid DEA certificate of registration; and
 - e. shall have read this Final Decision and Order and agree, in writing, to be Respondent's professional mentor.
- C.33. The purpose of the professional mentor is to ensure that Respondent is legally and competently practicing medicine, maintaining adequate patient health care records, and prescribing only within the limits of this Order and other applicable law, rules or regulations.
- Oversight by the professional mentor shall include monthly meetings at Respondent's work site, review of charts selected by the professional mentor, review of PDMP data, and any other actions deemed appropriate by the professional mentor to determine whether or not Respondent is practicing in a professional and minimally competent manner.
- Respondent shall satisfactory comply with all recommendations or directions of the professional mentor.
- C.34. Respondent shall arrange for his professional mentor to provide formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's practice. Respondent's professional mentor shall immediately report to the Department Monitor and the Respondent's Supervising Health Care Provider any conduct or condition of the Respondent which may constitute unprofessional conduct, a violation of this Order, or a danger to the public or patient. If a report indicates performance that is unacceptable to the Board or its designee, the Board or its designee may, in its discretion and without further notice or hearing, summarily institute appropriate corrective limitations, or may revoke a stay of the suspension.
- C.35. The professional mentor may designate another qualified physician or other health care provider to exercise the duties and responsibilities of the professional mentor in an absence of up to four weeks. If the absence will exceed four weeks, the professional mentor must obtain preapproval of the Board or its designee before delegating the mentoring duties under this Order.
- C.36. In the event that the professional mentor is unable or unwilling to continue to serve as Respondent's professional mentor, the Board may in its sole discretion select a successor professional mentor.
- C.37. The professional mentor shall have no duty or liability to any patient or third party, and the Mentor's sole duty is to the Board.
- C.38. After three (3) years of consecutive satisfactory quarterly reports, Respondent may petition the Board for modification of or termination of the requirement of a professional mentor.

MISCELLANEOUS

Department Monitor

- D.1. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor
Wisconsin Department of Safety and Professional Services

Division of Legal Services and Compliance
1400 East Washington Ave.
P.O. Box 7190
Madison, WI 53707-7190
Fax: (608) 266-2264
Telephone: (608) 267-3817
DSPSMonitoring@wisconsin.gov

Required Reporting by Respondent

- D.2. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent.
- D.3. Every three (3) months the Respondent shall notify the Department Monitor of the Respondent's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

Change of Treater or Approved Program by Board

- D.4. If the Board or its designee determines the Treater or Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Respondent continue treatment and rehabilitation under the direction of another Treater or Approved Program.

Costs of Compliance

- D.5. Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, mentoring and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

Costs of Proceeding

- D.6. Respondent shall pay costs of \$3,000.00 to the Department of Safety and Professional Services, within ninety (90) days of this Order. Payment shall be directed to the attention of the Department Monitor at the address in paragraph D.1., above. In the event Respondent fails to timely submit any payment of costs, the Respondent's license (no. 26410-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

Additional Discipline

- D.7. In addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 441.07.

Violation of the terms of this Order

- D.8. If the Board finds probable cause to believe that Respondent has engaged in unprofessional conduct during the pendency of the suspension set out in this Order, the Board may, in an act of discretion, summarily remove any stay of suspension or impose limitations and conditions as the Board sees fit, without further notice or hearing. Removal of the stay or imposition of the condition or limitation shall remain in place until the Board closes any disciplinary case arising from the unprofessional conduct, or sooner if the Board determines that removal of the stay or the additional limitations or conditions are no longer advisable.
- D.9. If the Board finds that Respondent has, during the pendency of the suspension required by in this Order, failed to comply with treatment requirements, the requirements for a professional mentoring relationship, or restrictions on prescribing, the Board may, in an act of discretion, summarily remove any stay of suspension or impose limitations and conditions as the Board sees fit, without advance notice or hearing. Removal of the stay or imposition of the condition or limitation shall remain in place until Respondent complies with the Order and the Board determines that removal of the stay or the additional limitations or conditions are no longer advisable.
- D.10. If Respondent fails to pay the costs of these proceedings as ordered, the Board may summarily, and without further notice or hearing, remove any stay of suspension until Respondent pays the costs in full.

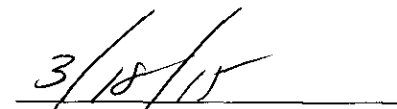
Petitions for Modification of Limitations or Termination of Order

- D.11. Except as otherwise specified, Respondent may petition the Board on an annual basis for modification of the terms of this Order, however no such petition for modification shall occur earlier than one (1) year from the date of the initial stay of the suspension. Any petition for modification shall be accompanied by a written recommendation from Respondent's Treater expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.
- D.12. Respondent may petition the Board for termination of this Order any time after five (5) years from the date of the initial stay of the suspension. Respondent may not petition for termination without a showing of at least five years of continuous, successful compliance with the terms of the Order, while in active practice.
- D.13. Except as otherwise specified, any conditions or limitations set out in this Order shall terminate with this Order.
- D.14. This Order is effective on the date of 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

WESTSCOT G. KRIEGER, M.D.,
RESPONDENT.

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:
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STIPULATION

00038 17

Division of Legal Services and Compliance Case No. 13 MED 329

Respondent Westscot G. Krieger, 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.

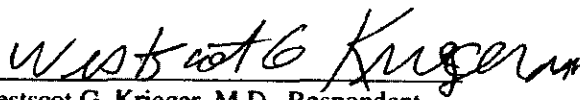
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

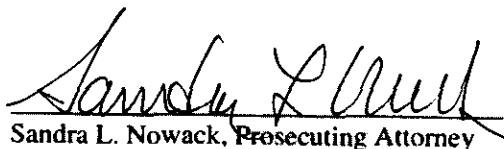
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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


Westcot G. Krieger, M.D., Respondent
1611 E. Robin Way
Appleton, WI 54915-4214
License no. 26410-20

3/10/2015
Date


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

3/11/15
Date