

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
DEBORAH A. DRYER, M.D., :
RESPONDENT. :

0003821

Division of Legal Services and Compliance Case No. 13 MED 117

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

Deborah A. Dryer, M.D.
7665 US Hwy 2
Iron River, WI 54847

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 Deborah A. Dryer, M.D., (dob January 16, 1973), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 45686-20, first issued on May 29, 2003, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (the Department) is 7665 US Hwy 2, Iron River, Wisconsin 54847.

2. At all times relevant to this proceeding, Respondent served as a medical director at a community health center (Center), located in Iron River, Wisconsin.

3. Between March 2012 and August 2012, Respondent allowed unlicensed persons to take radiographs and perform radiographic positioning without documenting the identity of the unlicensed person and without documenting that the unlicensed person actually took the radiograph without a licensed physician present.

4. The unlicensed persons who took radiographs and engaged in radiographic positioning were not qualified to do so without direct supervision.

5. Respondent failed to inform patients that the person taking the radiographs and performing radiographic positioning was not licensed to practice radiography, was not a licensed physician, or was acting as a physician's delegate.

6. Respondent knew or should have known that the medical records of patients did not correctly identify the person taking the radiographs.

7. In approximately June 2012, Respondent directed or permitted a staff member to recreate radiography logs to remove any indication of the identity of the person who took the radiographs and instead add the name of the professionals who ordered the radiograph.

8. Respondent initialed the recreated and back-dated logs. Therefore she knew that the logs did not indicate the identity of the person who took the radiograph.

9. The Center discontinued taking x-rays on November 16, 2012.

10. Respondent denies any wrong-doing but, 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. Pursuant to Wis. Stat. § 462.02, no person may perform radiographic positioning or take radiographs unless the individual is licensed to practice radiography, is a licensed physician or is subjected to other exceptions that are inapplicable to the circumstances at issue.

3. Wisconsin Stat. § 462.02 is a law the circumstances of which substantially relate to the practice of medicine.

4. By permitting an unlicensed person to perform radiographic positioning or take radiographs, Respondent aided and abetted a violation of Wis. Stat. § 462.02.

5. By the conduct described in the Findings of Fact, Respondent Deborah A. Dryer, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(z)(2002) by violating or aiding and abetting the violation of any law the circumstances of which substantially relate to the circumstances of the practice of medicine.

6. By the conduct described in the Findings of Fact, Respondent Deborah A. Dryer, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(t)(2002) by failing to identify, or by aiding and abetting those who failed to identify unlicensed individuals who were serving as physician delegates.

7. By the conduct described in the Findings of Fact, Respondent Deborah A. Dryer, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(za)(2002) by failing to maintain patient health care records consistent with requirements of Wis. Admin. Code § Med 21.03(3) by failing to identify in the patient healthcare record the practitioner or other person who provided services.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent Deborah A. Dryer, M.D., is REPRIMANDED.
3. The medicine and surgery license issued to Deborah A. Dryer, M.D., (license number 45686-20) is LIMITED as follows:
 - a. Within six months of the date of this Order, Respondent shall successfully complete a total of six hours of remedial education in medical ethics.
 - b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course(s) 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).
 - c. The Board or its designee may reject any course(s) and may accept a course(s) for less than the number of hours for which Respondent seeks approval.
 - d. Within thirty (30) days of completion of each educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that she has attended, in its entirety, the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.
 - e. Respondent is responsible for all costs associated with compliance with this educational requirement.

f. 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.

g. This limitation shall be removed when Respondent satisfies the Board's designee that Respondent has taken and completed the remedial education as ordered.

4. Within 90 days from the date of this Order, Deborah A. Dryer, M.D., shall pay COSTS of this matter in the amount of \$245.00

5. 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

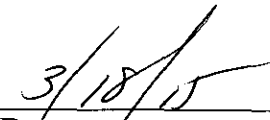
6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline 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. 45686-20) 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.

7. 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

DEBORAH A. DRYER, M.D.,
RESPONDENT.

STIPULATION

00038 2 1

Division of Legal Services and Compliance Case No. 13 MED 117

Respondent Deborah A. Dryer, 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.

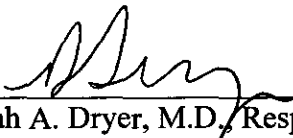
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

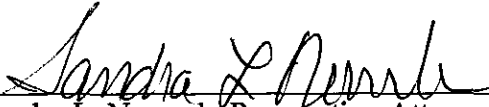
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Deborah A. Dryer, M.D., Respondent
7665 US Hwy 2
Iron River, WI 54847
License no. 45686-20

2/24/15

Date



Sandra L. Nowack, Prosecuting Attorney
State Bar Number 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
sandra.nowack@wisconsin.gov

2/13/15

Date