

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

MARCIA J. RICHARDS, M.D.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: 0004013

Division of Legal Services and Compliance Case No. 14 MED 469

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

Marcia J. Richards, M.D.
675 Park Circle
Elm Grove, WI 53122

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 Marcia J. Richards, M.D., (DOB September 14, 1945), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 17780-20, first granted on October 21, 1971, 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 675 Park Circle, Elm Grove, Wisconsin 53122.

2. In 2014, the Department conducted an audit of physicians to determine their compliance with the continuing medical education requirements for the 2012-2013 biennium.

3. Respondent's name was randomly selected as a subject of the audit.

4. Respondent failed to demonstrate compliance with continuing medical education requirements for the 2012-2013 biennium as follows:

- a. Respondent submitted 22 hours of continuing education in response to the audit;
- b. 17.25 of the continuing education hours were completed after the 2012-2013 biennium;
- c. Respondent therefore completed only 5.75 hours of acceptable medical continuing education for the 2012-2013 biennium.

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).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 448.13(1)(a) by failing to complete thirty (30) acceptable continuing medical education hours.

3. In violating Wis. Stat. § 448.13(1)(a), Respondent committed unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(1)(a).

4. As a result of the above violations, Respondent, is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent, Marcia J. Richards, M.D., license no. 17780-20, is hereby REPRIMANDED.

3. The license to practice medicine and surgery in the state of Wisconsin of Marcia J. Richards, M.D., is hereby LIMITED as follows:

- a. Within ninety (90) days of the date of this Order Respondent shall complete eight (8) hours of required continuing medical education in subject matter relevant to medicine and surgery.
- 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 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. Any decision under this subsection is not reviewable.
- 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 organization(s).
- e. Respondent is responsible for all costs associated with compliance with this educational requirement.
- f. The continuing medical education completed pursuant to this requirement will be used to satisfy only the continuing medical education required for the 2012-2013 biennium. None of the education completed pursuant to this requirement may be used to satisfy any other continuing medical education requirements that have been or may be instituted by the Board or Department.
- g. Continuing medical education classes completed by the Respondent from April 25, 2014 through December 12, 2014 have been retroactively applied to the 2012-2013 biennium and may not be applied to the 2014-2015 biennium.
- h. Satisfaction of this limitation does not relieve Respondent of the obligation to complete continuing medical education in the current biennium.
- i. Respondent is on notice that the Department may audit her compliance with continuing medical education requirements in the next biennium.
- j. This limitation shall be removed upon Respondent demonstrating to the Board or its designee that Respondent has successfully completed continuing medical education requirements for the 2012-2013 biennium.

4. Within ninety (90) days from the date of this Order, Respondent Marcia J. Richards, M.D., shall pay COSTS of this matter in the amount of \$100.00.

5. Request for approval of courses, 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

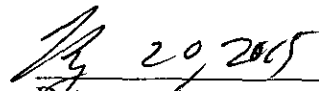
6. Violation of any of the terms of this Order, including failure to complete continuing medical education or to pay costs as ordered may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may 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 continuing medical education as set forth above, Respondent's license (no. 17780-20) 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 continuing medical education.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:


A Member of the Board

 20, 2015
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

MARCIA J. RICHARDS, M.D.,
RESPONDENT.

:
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:
:

STIPULATION

0004013

Division of Legal Services and Compliance Case No. 14 MED 469

Respondent Marcia J. Richards, 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 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.

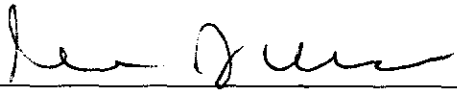
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

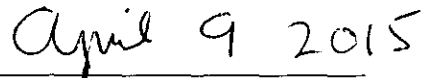
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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



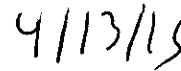
Marcia J. Richards, M.D., Respondent
675 Park Circle
Elm Grove, WI 53122
License no. 17780-20



Date



Cody Wagner, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190



Date