

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

ROBERT N. HETZ, M.D.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0004309

Division of Legal Services and Compliance Case No. 14 MED 260

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

Robert N. Hetz, M.D.
304 N. Rapids Road
Manitowoc, WI 54220

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 Robert N. Hetz, M.D. (dob August 2, 1958), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 29141-20, first issued on March 24, 1988, 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 304 N. Rapid Road, Manitowoc, Wisconsin 54220. Respondent is certified by the American Board of Obstetrics & Gynecology.

2. Respondent is Medical Director of Youthful Endeavors, a MediSpa with locations in Green Bay and Manitowoc, Wisconsin. Respondent performs a variety of aesthetic

procedures for patients at Youthful Endeavors including laser peels and ablative laser resurfacing.

3. Patient A (a female born in 1960) sought treatment from Respondent at Youthful Endeavors beginning in February 2014. Patient A sought treatment from Respondent because she sought to have a facial peel to address several facial blemishes. Respondent offered the removal of nine pigmented facial lesions and one pigmented lower extremity lesion. Although Respondent did not think any of the lesions represented cancerous or pre-cancerous lesions, Respondent represented to Patient A that he would send the specimens to pathology following removal for pathological confirmation.

4. Respondent's health care records reveal that Patient A reported a positive family history for skin carcinoma.

5. Patient A consented to the procedure and Respondent performed cautery loop excision on March 12, 2014.

6. Respondent removed nine melanocytic facial lesions from Patient A's right cheek, right upper lip, left cheek, left upper lip and nose. Respondent described the right upper lip lesion as a large mole. Respondent also removed one melanocytic lesion from Patient A's left lower leg.

7. Respondent did not individually label nor identify the lesions prior to placing the specimens into one vial as it would be more cost effective to submit all of the specimens in one container.

8. The receiving pathologist noted that all specimens were intradermal melanocytic nevus and that they had been placed in one vial without any identification of removal location:

"Specimen is received in formalin, labeled with the patient's name and consists of multiple piece(s) of skin aggregating to 1.0 x 0.5 x 0.2 cm, irregular in shape and tan-gray in color. The margins are inked green. The largest piece is bisected and all pieces are entirely submitted in one cassette(s). Site is not given on container..."

Diagnosis: Marked tissue artifact noted precluding accurate assessment."

9. Patient A subsequently sought treatment by a dermatologist who determined that one of the biopsied samples was missing as the number of biopsies differed from the number of scars on Patient A. The missing sample and the manner in which the specimens were submitted to pathology have made subsequent treatment difficult and may subject Patient A to additional tissue removal and scarring.

10. Respondent denies that he failed to comport with minimal standards of practice. However, in order to resolve 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 Robert N. Hetz, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(b) (Oct. 2013) by departing from or failing to conform to the standard of minimally competent medical practice which creates an unacceptable risk of harm to a patient or the public whether or not the act or omission resulted in actual harm to any person.

3. As a result of the above conduct, Robert N. Hetz, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Robert N. Hetz, M.D., is REPRIMANDED.

3. Within 90 days from the date of this Order, Robert N. Hetz, M.D., shall pay COSTS of this matter in the amount of \$730.92.

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

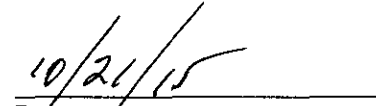
5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline 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 (29141-20) 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.

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT N. HETZ, M.D.,
RESPONDENT.

:
:
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:
:

STIPULATION

0004309

Division of Legal Services and Compliance Case No. 14 MED 260

Respondent Robert N. Hetz, 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. Respondent
is represented by Attorney Mark T. Budzinski.

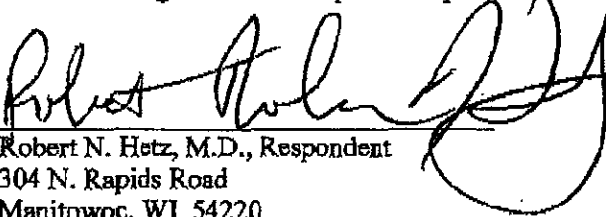
4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the
entry of the attached Final Decision and Order without further notice, pleading, appearance or
consent of the parties. Respondent 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.

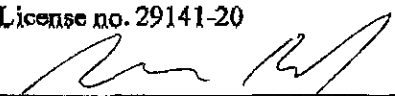
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

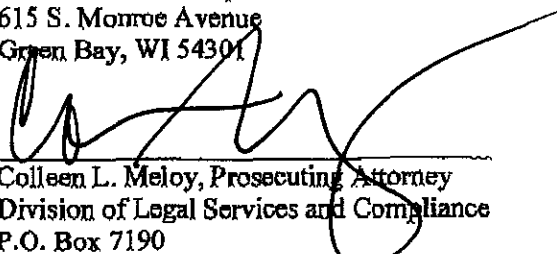
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Robert N. Hetz, M.D., Respondent
304 N. Rapids Road
Manitowoc, WI 54220
License no. 29141-20

9/11/15
Date


Mark T. Budzinski, Attorney for Respondent
Corneille Law Group LLC
615 S. Monroe Avenue
Green Bay, WI 54301

7/14/15
Date


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

9/14/15
Date