

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

JAMES R. FELTES, M.D.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0004551

Division of Legal Services and Compliance Case No. 14 MED 559

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

James R. Feltes, M.D.
Gundersen Health System
1900 South Avenue
La Crosse, WI 54601

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 James R. Feltes, M.D., (DOB April 22, 1955) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 29431-20, first issued on July 1, 1988, with registration current through October 31, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Gundersen Health System, 1900 South Avenue, La Crosse, Wisconsin 54601.

2. Respondent is a family practice physician who at all times relevant to this matter was treating patients in and around La Crosse, Wisconsin.

3. In the 1990s, Respondent began treating Patient A, a male born in 1955, for various orthopedic injuries and related issues, for which Respondent prescribed narcotic pain medications.

4. Patient A owned and operated a martial arts academy where Respondent had become a student, taking martial arts instruction from Patient A since the 1990s. Patient A was also employed as a part-time sheriff's deputy and law enforcement instructor.

5. While acting as a law enforcement instructor, Patient A was injured and received a worker's compensation settlement which covered the cost of pre-approved prescriptions.

6. Patient A subsequently lost health insurance coverage and stopped presenting to Respondent because he was unable to afford the cost of clinic visits. Patient A did, however, continue to be seen by sports medicine and rheumatology providers for his orthopedic conditions and suspected Lyme's disease.

7. Although Respondent no longer saw Patient A in a medical setting, Respondent, continued to prescribe narcotic pain medications to Patient A, doing so without regular examinations, without urine screens, and without a narcotic pain medication agreement.

8. Respondent asserts he spoke with and observed Patient A during the martial arts lessons that Respondent took from Patient A. Respondent asserts that his long-standing personal and professional relationship with Patient A, and their interactions during martial arts instruction, provided Respondent enough information to support his ongoing prescribing of narcotic pain medications to Patient A.

9. There is no indication Patient A has ever abused or diverted narcotic pain medications, but Respondent's prescribing described above fell below the minimal standard of practice, particularly because Patient A continued to be seen by other providers who could have appropriately prescribed narcotic pain medications.

10. 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 James R. Feltes, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(h) (Nov. 2002) by any practice or conduct which tends to constitute a danger to the health, welfare, or safety of patient or public.

3. As a result of the above conduct, James R. Feltes, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent James R. Feltes, M.D., is REPRIMANDED.
3. The medicine and surgery license issued to James R. Feltes, M.D., (license number 29431-20) is LIMITED as follows:
 - a. Within nine (9) months of the date of this Order, Respondent shall successfully complete three (3) hours of education on the topic of charting/ recordkeeping and three (3) hours of education on the topic of professional ethics.
 - b. Respondent shall be responsible for obtaining the courses required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the courses from the Wisconsin Medical Examining Board, or its designee, prior to commencement of the courses.
 - c. The Board or its designee may reject any course and may accept a course 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 he has attended, in its entirety, the courses 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.
4. Within ninety (90) days from the date of this Order, James R. Feltes, M.D., shall pay COSTS of this matter in the amount of \$820.00.
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

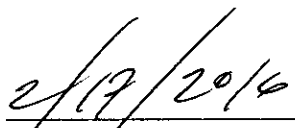
6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline 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. 29431-20) 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

JAMES R. FELTES, M.D.,
RESPONDENT.

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STIPULATION

0004551

Division of Legal Services and Compliance Case No. 14 MED 559

Respondent James R. Feltes, 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 James R. Gutglass.

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 or Respondent's attorney, 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.



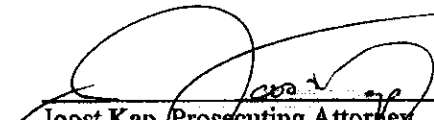
James R. Feltes, M.D., Respondent
Gundersen Health System
1900 South Avenue
La Crosse, WI 54601
License no. 29431-20

2-4-16
Date



James R. Gutglass, Attorney for Respondent
Gutglass Erickson Bonville & Larson
735 N Water Street, Ste 1400
Milwaukee, WI 53202

2/5/16
Date



Joost Kap, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

2/5/16
Date