

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
JEREMIAS B. VINLUAN, JR., M.D., :  
RESPONDENT. :

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0004555

Division of Legal Services and Compliance Case No. 15 MED 186

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

Jeremias B. Vinluan, Jr., M.D.  
756 N. 35th Street  
Milwaukee, WI 53208

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 Jeremias B. Vinluan, Jr., M.D., (DOB October 21, 1945) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 19558-20, first issued on July 10, 1975, 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 756 N. 35th Street, Milwaukee, Wisconsin 53208.

2. At all times relevant hereto, Respondent was employed as a solo practice physician practicing family medicine at his office located in Milwaukee, Wisconsin. Respondent is not board certified.

3. Patient A, a male born in 1937, sought care and treatment from Respondent beginning in 1998. Respondent was Patient A's primary care physician.

4. On March 10, 2014, Respondent's medical charting for Patient A reflects a weight of 224 lbs. and normal neurological examination findings.

5. On June 9, 2014, Respondent's medical charting for Patient A reflects a weight of 219 lbs. and normal neurological examination findings.

6. On September 9, 2014, Respondent's medical charting for Patient A reflects a weight of 210 lbs.

7. On December 8, 2014, Respondent's medical charting for Patient A reflects a weight of 209 lbs. and normal neurological examination findings.

8. On January 19, 2015, Respondent saw Patient A, who was accompanied by his daughter to the office visit. Patient A's daughter reported to Respondent that her father had lost a substantial amount of weight, lacked energy, had urinary incontinence, and exhibited mental deficits.

9. At the January 19, 2015 office visit, Respondent:

- a. charted a weight loss to 183½ lbs.;
- b. charted that all examination findings, including neurological examination findings, were normal;
- c. ordered laboratory work; and
- d. recommended that Patient A undergo a colonoscopy.

10. Patient A's daughter contacted Respondent's office on January 21 and 22, 2015, regarding the laboratory studies performed. Respondent's medical charting does not contain a record of these telephone calls.

11. Respondent's medical charting for Patient A between March 10, 2014 and January 22, 2015 is largely illegible and otherwise deficient.

12. On January 22, 2015, Patient A's laboratory work revealed numerous abnormalities including:

- a. elevated white blood cell count;
- b. elevated BUN level;
- c. decreased hemoglobin level;
- d. decreased hematocrit level;
- e. decreased red blood cell count;
- f. decreased platelet count; and
- g. decreased Vitamin D level.

13. On January 22, 2015, Patient A's daughter received a voicemail message from Respondent which stated that Patient A's blood work was fine with the exception of a decreased Vitamin D level. Respondent did not order nor recommend further diagnostic testing or work up for Patient A.

14. On January 26, 2015, Patient A was taken by his daughter to another physician (Physician B) for a second opinion.

15. Physician B's assessment included abnormal weight loss, dyspnea on exertion, unsteady gait, memory deficits, irregular heart rhythm, and urinary incontinence.

16. Physician B ordered additional laboratory studies, EKG, head CT, chest CT, MRI, and neurology, urology, gastroenterology, and surgical consults.

17. On February 2, 2015, Patient A was diagnosed with stage 4 kidney cancer with metastatic carcinoma to the pelvis and brain. Patient A expired on February 25, 2015.

#### 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 Jeremias B. Vinluan, Jr., 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. By the conduct described in the Findings of Fact, Respondent Jeremias B. Vinluan, Jr., M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(e) (Oct. 2013) 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.

4. As a result of the above conduct, Jeremias B. Vinluan, Jr., M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Jeremias B. Vinluan, Jr., M.D., is REPRIMANDED.

3. The medicine and surgery license issued to Jeremias B. Vinluan, Jr., M.D., (license number 19558-20) is LIMITED as follows:

a. Within nine (9) months of the date of this Order, Respondent shall successfully complete a total of sixteen (16) hours of education with four (4) hours of

education in each of the following topics: Neurology, geriatrics, medical record keeping, and communication.

- b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course 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). Record keeping and communication courses offered in either of the following settings are pre-approved and require no other authorization or approval to complete:
  - Medical Record Keeping Course sponsored by UC San Diego PACE Program;
  - Medical Record Keeping Course sponsored by Professional Boundaries, Inc.;
  - Intensive Course in Managing Difficult Communications in Medical Practice sponsored by Case Western Reserve University; and/or
  - Intensive Course in Medical Documentation: Clinical, Legal and Economic Implications for Healthcare sponsored by Case Western Reserve University.
- 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 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.

4. Within ninety (90) days from the date of this Order, Jeremias B. Vinluan, Jr., M.D., shall pay COSTS of this matter in the amount of \$854.24.

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

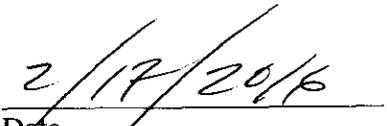
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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. 19558-20) 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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JEREMIAS B. VINLUAN, JR., M.D.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

**0004555**

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Division of Legal Services and Compliance Case No. 15 MED 186

Respondent Jeremias B. Vinluan, Jr., 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.

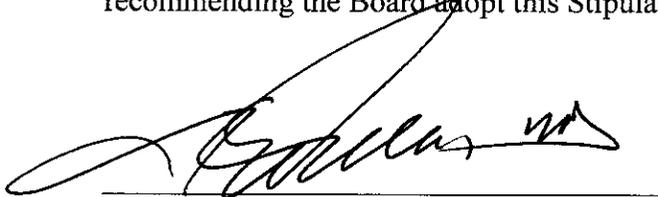
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

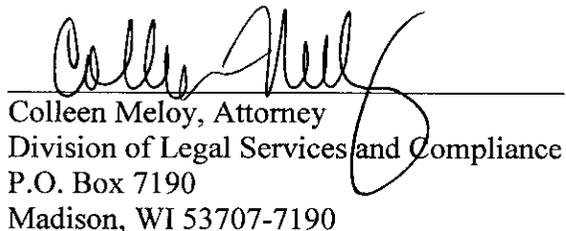
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Jeremias B. Vinluan, Jr., M.D., Respondent  
756 N. 35th Street  
Milwaukee, WI 53208  
License no. 19558-20

1/27/16  
Date



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

1/27/16  
Date