

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
ANDREW R. WEBER, M.D., :
RESPONDENT. :

0004937

Division of Legal Services and Compliance Case No. 15 MED 221

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

Andrew R. Weber, M.D.
1311 Bristers Hill Road
Wausau, WI 54401

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 Andrew R. Weber, M.D., (DOB April 3, 1973) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 47284-20, first issued on August 13, 2004, 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 1311 Bristers Hill Road, Wausau, Wisconsin 54401.

2. On February 24, 2011, Patient A, a female born in 1962, presented to the emergency department of the United States Veterans Affairs Medical Center in Iron Mountain, Michigan (VAMC) with complaints of abdominal pain, nausea, vomiting and constipation. Patient A reported an IUD in place for at least 20 years.

3. The ED physician completed a vaginal exam, noting significant left-sided pain. Vaginal secretions were cultured, WBC was noted as 28,400, and an abdominal/pelvic CT showed:

Enlarged irregular uterus noted, probably related to fibroids, with associated mild inflammatory changes extending superiorly along presacral space with ill-defined soft tissues seen. Suspect infectious process such as PIO. Follow up.

4. VAMC did not have an Obstetrician/Gynecologist on staff, so the ED physician consulted an Obstetrician/Gynecologist in Milwaukee, who advised the IUD did not need to be removed, and recommended the patient remain on IV antibiotics. The ED physician assessed Pelvic Inflammatory Disease, admitted Patient A, and started her on antibiotics.

5. Respondent first treated Patient A on February 25, 2011, at which time she reported progressively worsening low back pain which had moved to her abdomen, fever and chills, but no vaginal discharge. Respondent performed an exam, reviewed lab results including WBC of 25,600, and charted:

Acute pelvic inflammatory disease. Likely from retained intrauterine device. Discussed case with OB/GYN via [ED physician]. IUD can remain in place. Appropriate antibiotic therapy with cephalosporin and Doxycycline. If the patient does not improve after 72 hours, further OB/GYN consultation will need to be obtained for removal of the IUD.

6. On February 26, 2011, Respondent saw Patient A, who reported slight improvement and less abdominal pain, with WBC of 23,600. Respondent charted: "Acute PID some improvement clinically, cont with abx."

7. On February 27, 2011, Respondent saw Patient A, who reported less pain and whose temperature was normal. Respondent examined Patient A and noted clinical improvement, WBC of 21,500, and ordered continued antibiotics. Respondent had no further involvement with Patient A, who remained hospitalized.

8. On February 28, 2011, Patient A reported increased pain and spiked a fever.

9. On March 1, 2011, Patient A's pain had improved, but the attending physician noted moderate tenderness over Patient A's abdomen and rebound tenderness. Her WBC was 18,100 and another abdominal/pelvic CT study was highly suggestive of multi-loculated abscesses, with the largest fluid collection measuring 4.3 cm, among other noteworthy findings.

10. Patient A was immediately transferred to a facility in Green Bay where she was diagnosed with left ovary and fallopian tube abscesses, and underwent a right partial salpingectomy.

11. Given Patient A's history and consistently high white blood cell counts, Respondent failed to timely refer Patient A to another facility for examination by an Obstetrician/Gynecologist.

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

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Andrew R. Weber, M.D., is REPRIMANDED.

3. The medicine and surgery license issued to Andrew R. Weber, M.D., (license number 47284-20) is LIMITED as follows:

a. Within nine (9) months of the date of this Order, Respondent shall successfully complete six (6) hours of continuing medical education on the topic of gynecology for primary care practitioners.

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).

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, Andrew R. Weber, M.D., shall pay COSTS of this matter in the amount of \$690.00.

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:

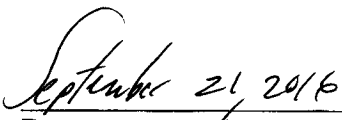
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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. 47284-20) 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 :
 : STIPULATION
ANDREW R. WEBER, M.D., :
RESPONDENT. :

0004937

Division of Legal Services and Compliance Case No. 15 MED 221

Respondent Andrew R. Weber, 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.

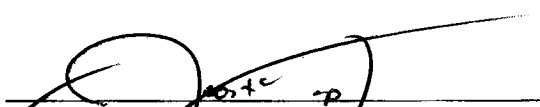
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Andrew R. Weber, M.D., Respondent
1311 Bristers Hill Road
Wausau, WI 54401
License no. 47284-20

8/9/2016
Date



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

8/9/2016
Date