

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 :
: FINAL DECISION AND ORDER
CHARLES WILLIAM MAYO II, M.D., :
RESPONDENT. :

0005398

Division of Legal Services and Compliance Case No. 15 MED 105

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

Charles William Mayo II, M.D.
208 South Adams Street
St. Croix Falls, WI 54024

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Department of Safety and Professional Services
Division of Legal Services and Compliance
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 Charles William Mayo, II, M.D (DOB September 6, 1958), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 37910-20, first issued on July 26, 1996, 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 208 South Adams Street, St. Croix Falls, Wisconsin 54024.

2. Respondent's practice specialty is psychiatry.

3. Between February 12, 2012 and December 13, 2012, Respondent provided psychiatric treatment to Patient A (a female born in 1968) at a medical center in Cumberland, Wisconsin (Medical Center).

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4. On more than one occasion while acting as Patient A's treating psychiatrist, Respondent had contact with Patient A on their personal phones to discuss matters outside the scope of Patient A's treatment, and met Patient A outside of the Medical Center one time for lunch and at other social events. At the conclusion of the referenced lunch, Respondent hugged or kissed Patient A.

5. Due to the Medical Center's closing, Respondent's position at the Medical Center was terminated on or about December 31, 2012.

6. On December 13, 2012, Respondent saw Patient A for a final psychiatric treatment visit. At the visit, Respondent discharged Patient A from the Medical Center, but invited Patient A to continue to contact him if she needed assistance. Respondent acknowledges Patient A may have believed she remained a patient of Respondent.

7. Following Patient A's discharge from the Medical Center in 2012 to some point in 2014, Respondent continued to have contact with Patient A. This contact included Patient A staying overnight at Respondent's home where close physical contact (non-intimate massages in the presence of others) occurred.¹

8. Respondent maintains that all of his professional services to Patient A were within accepted standards of care but acknowledges that the above-described conduct involving Patient A could form the basis of the Board's determination that unprofessional conduct occurred.

9. During the Department's investigation into the above-referenced conduct, it was revealed that Respondent engaged in acts of unprofessional conduct preceding this investigation. To wit, he prescribed controlled and non-controlled substance medications, including stimulants to his daughter, opioids to his wife, and antibiotics and benzodiazepines to individuals with whom he had no established patient-physician relationship, and for whom he did not create or maintain patient healthcare records.

10. Respondent suffers from one or more mental health diagnoses which may have caused or contributed to his unprofessional conduct, and for which he is committed to seeking professional assistance.

11. 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 over 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. Respondent Charles William Mayo II, M.D., by engaging in conduct which tends to constitute a danger to the health, welfare or safety of a patient, as described in the Findings of

¹ Patient A was licensed as a massage therapist at the time.

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Fact, engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(h) (Nov. 2002) and § Med 10.03(2)(b) (Oct. 2013).

3. Respondent Charles William Mayo, II, M.D., by administering, dispensing, prescribing, supplying, or obtaining controlled substances as described in the Findings of Fact, engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(p) (Nov. 2002) and § Med 10.03(2)(c) (Oct. 2013).²

4. As a result of the above conduct, Respondent Charles William Mayo II, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The Stipulation of the parties is accepted.
2. The medicine and surgery license issued to Charles William Mayo II, M.D., (license number 37910-20) is **SUSPENDED** for seven (7) consecutive days commencing 30 days after the effective date of this Order.
3. Respondent shall not engage in the practice of medicine and surgery in any capacity while his medicine and surgery license is suspended.
4. The medicine and surgery license issued to Charles William Mayo II, M.D., is **LIMITED** as follows:
 - a. Within six (6) months of the date of this Order, Respondent shall successfully complete four (4) hours of education on the topic of professional boundaries; four (4) hours of education on the topic of prescribing controlled-substance medications; and two (2) hours of education on the topic of medical record keeping/documentation.
 - b. Respondent shall be responsible for identifying 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 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 30 days of completion of each educational component, Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.

² All references to the Wisconsin Administrative Code are to the version of the Code in effect at the time of the alleged conduct: November 2002 for conduct preceding Oct. 1, 2013, and October 2013, for conduct occurring after October 1, 2013.

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- 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.
5. The medicine and surgery license issued to Charles William Mayo II, M.D., is further LIMITED for one year, as follows:
- a. Within 45 days of the effective date of this Order, Respondent shall enter into individual psychotherapy treatment with a psychotherapist, and engage the services of a licensed psychiatrist (collectively, Treater), both of whom must be pre-approved by the Board or its designee.
 - i. Respondent shall provide Treater with the August 18, 2016 report of evaluation prepared by Michael J. Spierer, Ph.D., prior to commencing treatment. Treatment shall be at Respondent's expense.
 - ii. Respondent shall have the psychiatrist assess the appropriateness of prescribing to Respondent anti-anxiety and antidepressant medication. Respondent shall participate in, cooperate with, and follow all treatment recommended by the psychiatrist.
 - iii. Respondent shall work with the psychotherapist at least two times per month for the first six months unless otherwise directed by the psychotherapist, and then at least once per month thereafter.
 - iv. This limitation may be removed by the Board or its designee upon receipt of written notice from the psychotherapist providing his/her professional opinion that Respondent has met the goals of treatment.
 - v. Treater shall be responsible for coordinating a program for Respondent's rehabilitation and treatment as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor (See paragraph 8, below). If Treater is unable or unwilling to serve as required by this Order, Respondent shall immediately seek approval of a successor Treater by the Board or its designee.
 - vi. The rehabilitation program shall include individual and/or group - therapy sessions at a frequency to be determined by Treater. Therapy may end only with the approval of the Board or its designee, after the Department Monitor receives a petition for modification from Respondent.

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Charles William Mayo II, M.D., Case No. 15 MED 105

- vii. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, or as otherwise directed by the Department Monitor for the duration of Respondent's treatment with Treater. These reports shall assess Respondent's progress in treatment. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.
- b. Respondent shall also engage the services of a licensed physician pre-approved by the Board or its designee to serve as a professional mentor. The professional mentor shall be actively practicing or be a supervisor of physicians practicing in Respondent's field and shall not have any personal or professional relationship, past or present, with Respondent that could reasonably be expected to compromise the ability to render fair and unbiased reports to the Department. Respondent's request for mentor approval shall be accompanied by the mentor's current curriculum vitae and a letter from the mentor confirming that he or she has read the Final Decision and Order and agrees to serve in this capacity. Respondent's supervisor can serve in this capacity if pre-approved by the Board or its designee.
- c. Respondent and his mentor shall conduct in-person or live video meetings at least once every 30 days to discuss issues related to Respondent's work performance, ethics and interpersonal relationships with patients. All in-person meetings shall occur at either Respondent's or mentor's place of practice. Prior to all meetings, Respondent shall provide the mentor with a copy of any work evaluation, assessment, or complaint that occurred within the preceding 30-day period
- d. Every 30 days during the first quarter of the mentorship, Respondent shall further arrange for the mentor to randomly select and review the charts of at least five (5) patients that have presented to Respondent in the preceding month. During the second and subsequent quarters of the mentorship such reviews shall occur every 60 days. If the professional mentor is not Respondent's supervisor, all personally identifiable patient information shall be redacted from such charts. The chart review shall thoroughly assess whether Respondent's records are compliant with the rules and regulations of the profession and completed in a timely manner. Within ten (10) days after receiving the charts for review, if the mentor deems it necessary, the mentor shall provide Respondent with written, detailed comments and suggestions for improvement, copies of which shall be submitted by Respondent to the Department Monitor upon request.
- e. Respondent shall meet face-to-face with the mentor at least once per quarter to discuss the progress of the chart reviews and to address any concerns or suggestions for improvement.
- f. The mentor shall submit thorough quarterly reports identifying the number of charts reviewed in the preceding quarter; addressing Respondent's progress and identifying any concerns; the number of meetings that have taken place in the preceding quarter; and addressing Respondent's professional performance and practice. It is Respondent's responsibility to ensure the reports are submitted

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when due. The mentor shall immediately report any unprofessional conduct or suspected violation of this Order to the Department Monitor.

- g. With a written recommendation from the mentor expressly supporting the request, Respondent may petition the Board for modification of this mentorship limitation after the timely submission of three (3) quarterly mentor reports (subject to the potential chart review modification terms of 5.d. above). Whether to modify the terms of this Order is in the Board's sole discretion.
- h. Respondent shall provide his current employer with a copy of this Order within 48 hours of the date of the Order. Respondent shall provide any new employer with a copy of this Order prior to commencing employment.
- i. During the pendency of this Order, Respondent shall report to the Department Monitor any change of employment status, residence, address, or telephone number within five (5) days of the date of a change.

6. One year from the date of this Order, if no other Board action further restricting or limiting Respondent's license has been taken, the preceding limitation shall be removed upon the Department Monitor's receipt of a written request from Respondent.

7. Within 90 days from the date of this Order, Charles William Mayo II, M.D., shall pay COSTS of this matter in the amount of \$3,931.99.

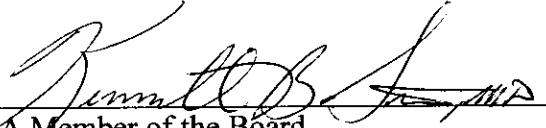
8. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services), any petition for reinstatement, requests for approval of treaters or mentors, and pre-approval of courses, if necessary, shall be sent by Respondent to the Department Monitor at the address below:

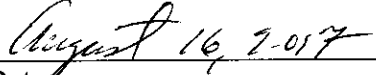
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

9. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and the Board may, in its discretion, impose additional conditions and limitations or other additional discipline, as it deems appropriate.

10. 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

CHARLES WILLIAM MAYO, II, M.D.,
RESPONDENT.

STIPULATION

0005398

Division of Legal Services and Compliance Case No. 15 MED 105

Respondent Charles William Mayo, II, 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 Timothy O'Brien.
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.

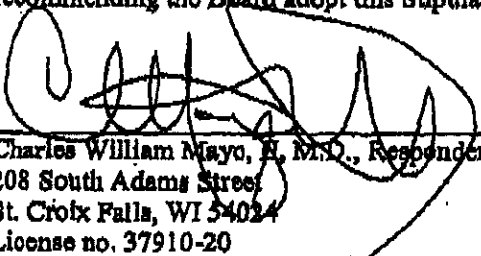
Stipulation
In the matter of disciplinary proceedings against
Charles W. Mayo, II, M.D., DLSC Case No. 15 MED 105

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.

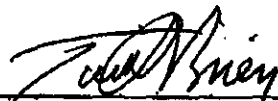
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's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


Charles William Mayo, II, M.D., Respondent
208 South Adams Street
St. Croix Falls, WI 54024
License no. 37910-20

8-2-17
Date


Timothy O'Brien, Attorney for Respondent
Bakke Norman, S.C.
1200 Heritage Drive
P.O. Box 308
New Richmond, WI 54017

8-2-2017
Date


Yolanda Y. McGowan, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

8.3.17
Date