

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
: FINAL DECISION AND ORDER
: FOR REMEDIAL EDUCATION
FRANK M. WITTMACK, M.D. :

0005402

Division of Legal Services and Compliance Case No. 15 MED 346

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

Frank M. Wittmaack, M.D.
Aurora Bay Care Medical Center
2845 Greenbrier Road, Suite 350
Green Bay, WI 54308

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. Licensee Frank M. Wittmaack, M.D. (DOB April 22, 1958) is licensed by the State of Wisconsin to practice medicine and surgery, having license number 30771-20, first issued on September 27, 1989, with registration current through October 31, 2017. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Aurora Bay Care Medical Center, 2845 Greenbrier Road, Suite 350, Green Bay, Wisconsin 54308.

2. On September 26, 2014, Patient A, a female born in 1987 with a known gynecological anomaly, presented to Licensee for a hysteroscopy and resection of uterine septum. Licensee charted in his operative note that he advanced a hysteroscope with

hysteroscopic scissors via the patient's cervix to cut the uterine septum up to the level of the uterine fundus.

3. On September 29, 2014, Patient A presented for post-operative examination. Licensee charted that on speculum exam Patient A's cervix appeared unremarkable.

4. On October 10, 2014, Patient A returned for follow-up examination. Licensee charted that on speculum exam, Patient A's cervix was unremarkable but that an ultrasound showed Patient A's uterine septum was still present. Licensee disclosed his findings to Patient A and discussed options for additional surgery.

5. Patient A subsequently sought care from other providers and on February 18, 2015, another physician successfully surgically resected Patient A's uterine septum.

6. Licensee has since completed the following continuing medical education courses:

- a. *Developmental Anomalies of the Urogenital Tract*, sponsored by the American Society for Reproductive Medicine, April 12, 2016, Birmingham, Alabama, 1.00 AMA PRA Category 1 Credit; and
- b. *Mullerian Variants Parts I and II*, sponsored by the American Society for Reproductive Medicine, April 17, 2016, Birmingham, Alabama, 2.00 AMA PRA Category 2 Credits.

7. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

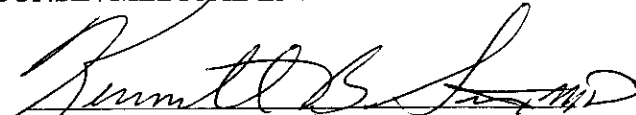
1. The attached Stipulation is accepted.

2. The Board recognizes the continuing medical education courses already completed by Licensee Frank M. Wittmaack, M.D., as the equivalent of the education the Board would have otherwise required. The courses attended may not be used in satisfaction of the statutory continuing education requirements for licensure.

3. 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 THE LICENSE OF
FRANK M. WITTMACK, M.D.

:
:
:
:

STIPULATION

0005402

Division of Legal Services and Compliance Case No. 15 MED 346

Licensee Frank M. Wittmaack, 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. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee'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 Lori Gendelman.

4. Licensee 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. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

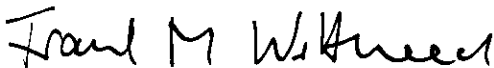
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be

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 Licensee, 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. Licensee 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 Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Frank M. Wittmaack, M.D., Licensee
Aurora Bay Care Medical Center
2845 Greenbrier Road, Suite 350
Green Bay, WI 54308
License No. 30771-20

07-21-2017

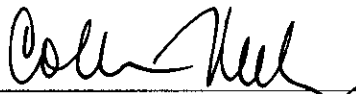
Date



Lori Gendelman, Attorney for Respondent
Otjen, Gendelman, Zitzer, Johnson & Weir, S.C.
20935 Swenson Drive, Suite 310
Waukesha, WI 53186

7/27/17

Date



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

08/03/17

Date