

## 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  
CASEY M. TOTTEN, D.O., :  
RESPONDENT. :

0005561

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Division of Legal Services and Compliance Case No. 16 MED 469

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

Casey M. Totten, D.O.  
Aspirus Wausau Family Medicine  
425 Wind Ridge Dr.  
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 Casey M. Totten, D.O. (DOB August 15, 1988), is licensed in the state of Wisconsin to practice as a resident, having license number 6430-851, first issued on July 1, 2016, with registration current through June 30, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Aspirus Wausau Family Medicine, 425 Wind Ridge Dr., Wausau, WI 54401.

2. In August 2016, Respondent participated in a surgical rotation as part of his medical residency. In the course thereof, Respondent met a female surgical assistant, SA, and they initiated a sexual relationship.

3. SA informed Respondent she was experiencing sleep and anxiety problems. Respondent suggested SA report the problems to her primary care provider or, in the alternative, that SA establish care with Respondent and he would prescribe something for her.

4. Text messages between Respondent and SA reflect an understanding that their sexual relationship would raise ethical issues in the event SA became Respondent's patient. However, Respondent and SA nevertheless continued their sexual relationship after Respondent saw SA as a patient on two occasions and prescribed medications to her.

5. Respondent and SA ended both their sexual and physician-patient relationships when SA's boyfriend discovered the sexual relationship and filed the complaint which initiated this action.

6. Respondent's employer learned of the improper relationship and investigated.

7. Respondent's employer provided its investigative file to the Department. It reflects that Respondent admitted the relationship and acknowledged that initiating a physician-patient relationship with SA was inappropriate. The file also reflects Respondent underwent a fitness for duty evaluation, and that the evaluator found no psychological or psychiatric conditions that would pose risks to patients or otherwise prevent Respondent from fulfilling his duties as a physician.

8. Respondent's employer ordered him to complete medical education on the subject of physician-patient boundaries. On September 16, 2017, Respondent earned 20 AMA PRA Category 1 credits by completing Professional Boundaries and Risk Management: A Primer, offered by the University of California, Irvine School of Medicine.

#### 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 Casey M. Totten, D.O., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(f) by engaging in sexual contact with a patient.

3. As a result of the above conduct, Casey M. Totten, D.O., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Casey M. Totten, D.O., is REPRIMANDED.

3. The Wisconsin Medical Examining Board accepts the continuing medical education Respondent has already completed as satisfying the education the Board would have otherwise ordered.

4. Within ninety (90) days from the date of this Order, Casey M. Totten, D.O., shall pay COSTS of this matter in the amount of \$1,250.00.

5. The 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:

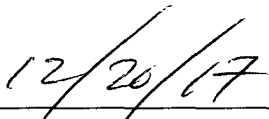
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

6. In the event Respondent violates any term of this Order, Respondent's license (no. 6430-851), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

CASEY M. TOTTEN, D.O.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

0005561

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Division of Legal Services and Compliance Case No. 16 MED 469

Respondent Casey M. Totten, D.O., 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 his right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Mark Budzinski.

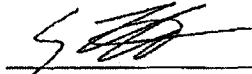
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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.

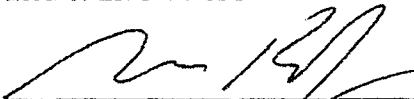
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

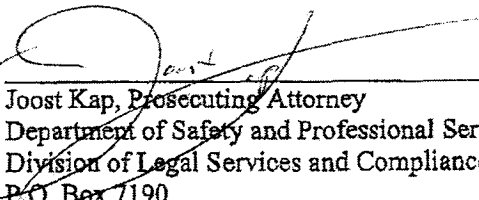
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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Casey M. Totten, D.O., Respondent  
Aspirus Wausau Family Medicine  
425 Wind Ridge Dr.  
Wausau, WI 54401  
License no. 6430-851

12/4/17  
Date

  
\_\_\_\_\_  
Mark T. Budzinski, Attorney for Respondent  
Cornelle Law Group, LLC  
615 S. Monroe Avenue  
Green Bay, WI 54301

12/6/17  
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

12/6/17  
Date