

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE APPLICATION :
FOR RENEWAL OF A LICENSE TO :
PRACTICE MEDICINE AND SURGERY :
:
RAYMOND WATTS, M.D., :
APPLICANT. :

0005656

ORDER GRANTING
LIMITED LICENSE

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

Raymond Watts, M.D.
3004 Cottage Lane N
Maplewood, MN 55109

Wisconsin Medical Examining Board
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

FINDINGS OF FACT

1. RAYMOND WATTS, M.D. (Applicant) has filed an application to renew his license (# 57087-20) to practice Medicine and Surgery in Wisconsin.
2. Applicant's license was initially granted April 23, 2012, and Applicant applied to renew his license on or about September 21, 2017.
3. Information received during the Application process demonstrates that Applicant has the following conviction:
 - a. On or about November 9, 2015 – DWI – Operate Motor Vehicle – Alcohol, a misdemeanor offense, in Minnesota.
 - i. The police report states that Applicant was pulled over around 4:30 p.m. Applicant smelled of intoxicants, his eyes were bloodshot, watery, and glossy. Applicant admitted drinking wine from 12:00 p.m. to around 3:00 p.m., and further informed the officer that he was a physician and was heading to Park Rapids to work. Applicant stated he was heading to Park Rapids for a scheduled work day and wanted to get there early to take a nap. Applicant failed the standard field sobriety test and had a PBT of .098.

- ii. Applicant was put on probation for a period of two (2) years and was ordered to complete a Chemical Use Assessment.
- iii. Applicant's Chemical Health Report, dated January 7, 2016, noted that Applicant reported he continues to consume alcohol about once every two (2) weeks, consuming a half of a bottle of wine and two (2) beers. The assessor recommended Applicant abstain from alcohol and diagnosed Applicant with Alcohol Use Disorder (mild).
- iv. Applicant was discharged from probation on March 15, 2016.

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. §§ 15.08(5)(c) and 227.44(5).
2. The facts and circumstances of Applicant's conviction referenced above substantially relate to the practice of Medicine and Surgery. Wis. Stat. §§ 111.335, 448.02(3), and Wis. Admin. Code § Med 10.03(3)(i).
3. Applicant did not report his misdemeanor conviction to the Wisconsin Medical Examining Board within thirty (30) days of the entry of the judgment of conviction as required by Wis. Admin. Code § Med 10.03(3)(h).
4. Applicant, by his conduct, is subject to limitations against his license, pursuant to Wis. Stat. § 448.02(3) and Wis. Admin. Code §§ Med 10.03(2)(a), 10.03(3)(h), and 10.03(3)(i).
5. Denial of an unlimited credential renewal is necessary to protect the public health, safety, or welfare, pursuant to Wis. Stat. § 440.08(4).

ORDER

NOW, THEREFORE, IT IS ORDERED that RAYMOND WATTS, M.D., is GRANTED RENEWAL OF HIS LICENSE TO PRACTICE MEDICINE AND SURGERY subject to the following LIMITATIONS, TERMS, AND CONDITIONS:

CONDITIONS AND LIMITATIONS

Treatment Required

- A.1. Applicant shall enter into, and shall continue, drug and alcohol treatment with a treater acceptable to the Board or its designee (Treater). Applicant shall participate in, cooperate with, and follow all treatment recommended by Treater.
- A.2. Applicant shall immediately provide Treater with a copy of this Stipulation and Order and all other subsequent orders.
- A.3. Treater shall be responsible for coordinating Applicant'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 of Safety and Professional Services Monitor (Department Monitor) (See B.1., below). If Treater is unable or unwilling to serve as required by this Order, Applicant shall immediately seek approval of a successor Treater by the Board or its designee.

- A.4. 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 receiving a petition for modification as required by B.5., below.
- A.5. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Applicant's progress in drug and alcohol treatment. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

Releases

- A.6. Applicant shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories, and collection sites current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Safety and Professional Services, Division of Legal Services and Compliance to:
 - (a) obtain all specimen screen results and patient health care and treatment records and reports, and
 - (b) discuss the progress of Applicant's treatment and rehabilitation with Treater and treatment facilities and personnel, laboratories and collection sites. Copies of these releases shall immediately be filed with the Department Monitor.

AA/NA Meetings

- A.7. Applicant shall attend Narcotics Anonymous and/or Alcoholics Anonymous meetings or an equivalent program for recovering professionals, at the frequency recommended by Treater, but no less than twice per week. Attendance of Applicant at such meetings shall be verified and reported quarterly to Treater and the Department Monitor.

Sobriety

- A.8. Applicant shall abstain from all personal use of alcohol.
- A.9. Applicant shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Applicant shall disclose Applicant's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Applicant shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Applicant's treatment with, and provide copies of treatment records to, Treater and the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.

- A.10. Applicant shall abstain from all use of over-the-counter medications or other substances (including but not limited to natural substances such as poppy seeds) which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Applicant's treatment and rehabilitation. It is Applicant's responsibility to educate himself about the medications and substances which may violate this paragraph, and to avoid those medications and substances.
- A.11. Applicant shall report to Treater and the Department Monitor all prescription medications and drugs taken by Applicant. Reports must be received within twenty-four (24) hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the prescription is filled or refilled, Applicant shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- A.12. Applicant shall provide the Department Monitor with a list of over-the-counter medications and drugs that they may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Applicant's treatment and rehabilitation, shall not be taken unless ordered by a physician and approved by Treater, in which case the drug must be reported as described in paragraph A.11.

Drug and Alcohol Screens

- A.13. Applicant shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department ("Approved Program"). Participation shall begin within 30 days of the date of this Order.
- A.14. At the time Applicant enrolls in the Approved Program, Applicant shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:
 - (a.) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 - (b.) Production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
- A.15. The Approved Program shall require the testing of specimens at a frequency of not less than 28 times per year, for the first year of this Order. After the first year, Applicant may petition the Board on an annual basis for a modification of the frequency of tests. The board may adjust the frequency of testing on its own initiative at any time.
- A.16. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, Applicant shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.

- A.17. In addition to any requirement of the Approved Program, the Board or its designee may require Applicant to do any or all of the following:
- (a) submit additional specimens;
 - (b) furnish any specimen in a directly witnessed manner; or
 - (c) submit specimens on a more frequent basis.
- A.18. All confirmed positive test results shall be presumed to be valid. Applicant must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
- A.19. The Approved Program shall submit information and reports to the Department Monitor as directed.

PRACTICE LIMITATIONS

- A.20. Applicant shall provide a copy of this Order, all previous Orders and any future Order to his employer's human resources department and direct supervisor at all settings where Applicant works as a physician or care giver or provides health care, currently or in the future, during the duration of the limited license. Applicant shall provide the Department Monitor with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitoring within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
- A.21. It is Applicant's responsibility to arrange for written reports from his direct supervisor to be provided to the Department Monitor on a quarterly basis. These reports shall assess Applicant's work performance, attendance and include the number of hours of active practice of Medicine and Surgery worked during that quarter.
- A.22. Applicant may work as a physician or other health care provider in a setting in which Applicant has access to controlled substances. If Treater subsequently recommends restrictions on such access, the Board or its designee may impose such restrictions, including but not limited to the surrender of any Drug Enforcement Administration (DEA) registration to prescribe, dispense, administer, and order controlled substances to the DEA.
- A.23. Applicant shall practice only in a work setting pre-approved by the Board or its designee.
- A.24. Pursuant to the Interstate Medical Licensure Compact, Applicant's practice of Medicine and Surgery is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Board and the regulatory board in the state in which Applicant proposes to practice.

MISCELLANEOUS

Department Monitor

- B.1. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor
Wisconsin Department of Safety and Professional Services
Division of Legal Services and Compliance
1400 East Washington Ave.
P.O. Box 7190
Madison, WI 53707-7190
Telephone: (608) 267-3817; Fax: (608) 266-2264
DSPSMonitoring@wisconsin.gov

Required Reporting by Applicant

- B.2. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order. Applicant shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Applicant.
- B.3. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of the change. Additionally, Applicant shall report any convictions or disciplinary action taken against any license within forty-eight (48) hours of receipt of the judgment of conviction or final order. Every three (3) months, Applicant shall notify the Department Monitor of Applicant's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

Change of Treater or Approved Program by Board

- B.4. If the Board or its designee determines the Treater or Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Applicant continue treatment and rehabilitation under the direction of another Treater or Approved Program.

Petitions for Modification of Limitations or Termination of Order

- B.5. Applicant may petition the Board on an annual basis for modification of the terms of this Order, however no such petition for modification shall occur earlier than one (1) year from the date of this Order. Any petition for modification shall be accompanied by a written recommendation from Applicant's Treater expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Applicant shall not have a right to any further hearings or proceedings on the denial.
- B.6. Applicant may petition the Board for full, unrestricted licensure upon a demonstration of continuous, successful compliance with the terms of the Order for at least two (2) years from the date of this Order, including at least 600 hours of active practice of Medicine and Surgery each year. "Practice in compliance" includes the submission of work reports and treater reports, the content of which are satisfactory to the Board.

Costs of Compliance

- B.7. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

Suspension or Additional Discipline

- B.8. In the event that Applicant violates any term of this Order, Applicant's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Applicant has provided proof, which is determined by the Board or its designee to be sufficient, that Applicant is in compliance 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, pursuant to Wis. Stat. § 448.03.

Dated at Madison, Wisconsin this 15th day of March, 2018.

WISCONSIN MEDICAL EXAMINING BOARD

By: 
A Member of the Board

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE APPLICATION FOR :
RENEWAL OF A LICENSE TO PRACTICE :
MEDICINE AND SURGERY :

0005656

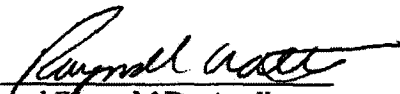
RAYMOND WATTS, M.D.,
APPLICANT.

STIPULATION

It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Medical Examining Board (Board) as follows:

The Applicant has filed an application to renew his license to practice Medicine and Surgery. Information received by the Board reflects a basis for denial of the application to renew the credential. Based upon the information of record, the Board agrees to issue, and the Applicant agrees to accept a Limited License as to practice Medicine and Surgery subject to the terms and conditions set forth in the attached Order.

Dated this 1st day of March, 2018


Raymond Watts, M.D., Applicant

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

Dated this 15th day of March, 2018

By: 
Member of the Board