

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
CHANNING C. WIERSEMA, M.D., :
RESPONDENT. : 0005699

Division of Legal Services and Compliance Case No. 15 MED 135

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

Channing C. Wiersema, M.D.
Ministry Medical Group, Inc.
2401 Plover Road
Plover, WI 54467

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 Channing C. Wiersema, M.D. (DOB December 14, 1967), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 38945-20, first issued on July 11, 1997, with registration current through October 31, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Ministry Medical Group, Inc., 2401 Plover Road, Plover, Wisconsin 54467.

2. At all times relevant to this matter, Respondent practiced family medicine at Ascension, formerly Ministry Medical Group, at 2401 Plover Road in Plover, Wisconsin (the Clinic).

3. On March 17, 2004, Respondent's license was limited by the Board and he was ordered to complete at least 40 hours of CME on appropriate prescribing of controlled substances.

4. Respondent completed the required CME and his license was fully reinstated by the Board on January 4, 2005.

5. In 2012, Respondent began to treat Patient A for ADHD and chronic low back pain.

6. Between November 2012 and March 2016, Respondent prescribed controlled substances to Patient A, including hydrocodone-acetaminophen, methylphenidate and cyclobenzaprine.

7. Respondent's health care documentation for Patient A referenced a history of drug abuse, and a prior conviction for possession and intent to deliver a controlled substance.

8. Between January 11, 2013, and June 11, 2013, Respondent authorized monthly controlled substance prescriptions for Patient A without seeing him at an office visit.

9. On September 27, 2013, Patient A was seen by another provider at the Clinic and submitted to a urine drug screen. The urine drug screen was positive for prescribed controlled substances and negative for illicit substances.

10. Between December 23, 2013 and December 16, 2014, Respondent authorized monthly controlled substance prescriptions to Patient A. Respondent saw Patient A for three office visits and ordered one urine drug screen during this timeframe. The urine drug screen was positive for prescribed controlled substances and negative for illicit substances.

11. Between January 2015 and May 2015, Respondent authorized monthly controlled substance prescriptions to Patient A. Respondent did not see Patient A or order a urine drug screen during this timeframe.

12. Respondent saw Patient A on June 23, 2015 for a dental abscess. Respondent performed a focal examination and prescribed oral antibiotics.

13. The June 23, 2015 visit was erroneously recorded by the Clinic staff as a medication visit and Patient A's chart was not flagged for a urine drug screen and office visit consistent with Respondent's prescribing practices until the error was detected on October 23, 2015. At that time, Patient A was notified that an office visit needed to be scheduled and a urine drug specimen provided. Respondent continued to authorize monthly controlled substance prescriptions to Patient A.

14. Patient A was scheduled for an office visit with Respondent for February 20, 2016, but cancelled and rescheduled for March 14, 2016.

15. Patient A failed to appear for the March 14, 2016 appointment, but on March 25, 2016, Respondent authorized refills of hydrocodone-acetaminophen and methylphenidate for Patient A.

16. Respondent saw Patient A on April 15, 2016, and he told Respondent he had been using heroin for the past year and was receiving treatment.

17. Respondent terminated his treatment of Patient A and referred him to a hepatologist.

18. In response to the Department's investigation, the Clinic has implemented policies to ensure that all patients who are prescribed controlled substances must at minimum:

- a. submit to an annual urine drug screen; and
- b. present for an office visit every 90 days.

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 which occurred before October 1, 2013, Respondent Channing C. Wiersema, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(h) (Nov. 2002) by engaging in any practice or conduct which tends to constitute a danger to the health, welfare, or safety of patient or public.

3. By the conduct described in the Findings of Fact which occurred on or after October 1, 2013, Respondent Channing C. Wiersema, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(c) by prescribing, ordering, dispensing, administering, supplying, selling, giving, or obtaining any prescription medication in any manner that is inconsistent with the standard of minimal competence.

4. As a result of the above conduct, Channing C. Wiersema, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. The medicine and surgery license issued to Respondent Channing C. Wiersema, M.D., (no. 38945-20) is REPRIMANDED.

3. The license of Channing C. Wiersema, M.D., to practice medicine and surgery in the state of Wisconsin (license no. 38945-20) is LIMITED as follows:

- a. Every ninety (90) days for a period of no less than two (2) years from the date of this Order, Respondent shall submit his Wisconsin Prescription Drug Monitoring Program (PDMP) Prescriber Metrics Report (PMR) reflecting his prescribing for the preceding quarter.
- b. Respondent shall submit each PMR under an affidavit attesting that it accurately and completely reflects his PDMP-eligible prescribing for the preceding quarter.
- c. No PMR Respondent submits shall contain any patient health information, but shall otherwise be submitted in the exact form generated by the PDMP.
- d. Every ninety (90) days for a period of no less than two (2) years from the date of this Order, Respondent shall submit an affidavit attesting that all patients whom Respondent has prescribed controlled substances for the preceding ninety (90) days have complied with the requirements set forth in Paragraph 18 of the Findings of Fact.

4. Starting one (1) year from the date of this Order, Respondent may petition the Board every ninety (90) days for modification of the PMR report and affidavits submission requirement set out above. Denial of a modification 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 Respondent shall have no right to further hearings or proceedings on the denial under Wis. Stat. § 227.42 or any other law.

5. Respondent shall be responsible for all costs associated with complying with the terms of this Order.

6. Within ninety (90) days from the date of this Order, Channing C. Wiersema, M.D., shall pay COSTS of this matter in the amount of \$5,603.00.

7. PMR submissions, affidavits, and costs, made payable to the Wisconsin Department of Safety and Professional Services, shall be sent 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

8. In the event Respondent violates any term of this Order, Respondent's license (no. 38945-20), 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

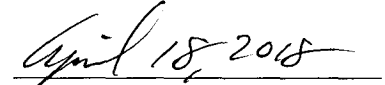
violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

9. 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
CHANNING C. WIERSEMA, M.D.,	:	
RESPONDENT.	:	0005699

Division of Legal Services and Compliance Case No. 15 MED 135

Respondent Channing C. Wiersema, 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 Mark Larson.

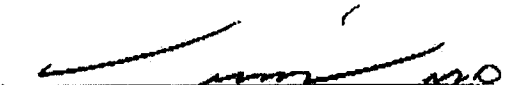
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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


Channing C. Wiersema, M.D., Respondent
Ministry Medical Group, Inc.
2401 Plover Road
Plover, Wisconsin 54467
License no. 38945-20

4/6/18
Date


Mark Larson, Attorney for Respondent
Gutglass, Erickson, Bonville, & Larson, S.C.
735 N. Water Street, Suite 1400
Milwaukee, WI 53202

4/9/18
Date


Colleen Meloy, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

4-9-2018
Date