

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

GRETCHEN O. ZACHEL, P.A.,
RESPONDENT.

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FINAL DECISION AND ORDER

0005757

Division of Legal Services and Compliance Case No. 17 MED 161

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

Gretchen O. Zachel, P.A.,
1879 128th Avenue NW
Coon Rapids, MN 55448

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 Gretchen O. Zachel, P.A., (DOB April 23, 1952), is licensed by the State of Wisconsin to practice as a physician assistant, having license number 3984-23, first issued on March 8, 2017, with registration current through February 28, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1879 128th Avenue Northwest, Coon Rapids, Minnesota, 55448.

2. Respondent is also licensed as a physician assistant by the State of Minnesota. At all times pertinent to this matter, Respondent practiced at a facility located in Minnesota.

3. In November 2014, the Minnesota Board of Medical Practice (MN Board) received a complaint alleging that Respondent inappropriately prescribed narcotic medication to patients.

4. In January 2017, Respondent appeared before the MN Board and admitted that in 2013 she started a new job and began prescribing narcotics on a regular basis without adequate training or experience.

5. Respondent and the MN Board entered into a May 13, 2017 Order (MN Order) whereby Respondent was reprimanded, and certain conditions were placed upon her license, which include but are not limited to the following:

- a. read several delineated resources related to responsible opioid prescribing, non-opioid treatment approaches and opioid management healthcare;
- b. complete courses on chronic pain management, chemical dependency awareness, medical records management, and professional boundaries;
- c. practice only in MN Board-approved work settings; and
- d. develop and submit a written protocol to the MN Board for how Respondent intends to use PMP¹ to access and track all prescriptions she writes and monitors for patients.

6. Respondent did not report the MN Order to the Board.

7. 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 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 Gretchen O. Zachel, P.A., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(c) by having any credential pertaining to the practice of medicine and surgery or any act constituting the practice of medicine and surgery become subject to adverse determination by any agency of this or another state, or by any federal agency or authority.

3. By the conduct described in the Findings of Fact, Respondent Gretchen O. Zachel, P.A., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(a) by failing, within 30 days, to report to the board any final adverse action taken against the licensee's

¹ The Minnesota equivalent of Wisconsin's Prescription Drug Monitoring Program (PDMP).

authority to practice medicine and surgery by another licensing jurisdiction concerned with the practice of medicine and surgery.

4. As a result of the above conduct, Gretchen O. Zachel, P.A., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Gretchen O. Zachel, P.A., is REPRIMANDED.
3. The Wisconsin license to practice as a physician assistant issued to Gretchen O. Zachel, P.A., (license number 3984-23), is LIMITED as follows:

a. Respondent is to maintain full and complete compliance with all terms, limitations, and conditions imposed against her MN physician assistant license.

b. Respondent shall, within 48 hours of receipt, provide the Board with a copy of any document issued by the MN Board which alters the conditions of Respondent's practice as a physician assistant in the state of Minnesota, including any document reinstating full licensure.

c. In the event Respondent plans to practice medicine and surgery in the State of Wisconsin, she shall notify the Board of her intentions and practice address at least 90 days prior to her anticipated practice date. At that time, the Board may consider whether alternate or additional limitations upon Respondent's license are appropriate, and may continue, modify, or remove the limitations set out herein.

d. Upon Respondent providing proof sufficient to the Board, or its designee, that she has successfully complied with all terms and conditions imposed by the MN Board, and that her MN physician assistant license has been restored to full, unrestricted status, the Board or its designee shall issue an Order removing the limitation on Respondent's Wisconsin license.

4. Within 90 days from the date of this Order, Gretchen O. Zachel, P.A., shall pay COSTS of this matter in the amount of \$314.00.

5. Proof of compliance with the MN Order 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

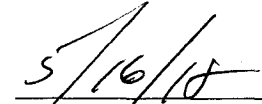
6. In the event Respondent violates any term of this Order, Respondent's license (no. 3984-23), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. 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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

GRETCHEN O. ZACHEL, P.A.,
RESPONDENT.

STIPULATION

0005757

Division of Legal Services and Compliance Case No. 17 MED 161

Respondent Gretchen O. Zachel, P.A., 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.

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

Stipulation
In the matter of disciplinary proceedings against
Gretchen O. Zachel, P.A., Case No. 17 MED 161

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.

Gretchen Zachel
Gretchen O. Zachel, P.A., Respondent
1879 128th Avenue NW
Coon Rapids, MN 55448
License no. 3984-23

4-12-18
Date

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

4.12.18
Date