

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

DANIEL S. LANDDECK, M.D.,
RESPONDENT.

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FINAL DECISION AND ORDER

0005798

Division of Legal Services and Compliance Case No. 16 MED 141

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

Daniel S. Landdeck, M.D.
Gundersen Sparta Clinic
315 West Oak Street
Sparta, WI 54656

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 Daniel S. Landdeck, M.D. (DOB September 13, 1966), is licensed by the State of Wisconsin to practice medicine and surgery, having license number 34940-20, first issued on October 20, 1993, 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 Gundersen Sparta Clinic, 315 West Oak Street, Sparta, Wisconsin, 54656.

2. At all times relevant, Respondent practiced family medicine at a clinic in Beaver Dam, Wisconsin (Facility).

3. On January 17, 2012, Patient A, a male born in 1956, presented to Respondent for a physical examination. Patient A complained of a mole on his back that had broken open. Respondent examined Patient A and charted “no suspicious lesions.”
4. On May 15, 2013, Respondent performed a 25 x 20 mm shave biopsy of Patient A’s back lesion. Respondent charted that Patient A “consented to shave biopsy at the last visit.” However, Respondent’s health care documentation does not reference any plan of care or informed consent discussion with Patient A.
5. Pathological diagnosis of the removed specimen was malignant melanoma. Respondent referred Patient A for further treatment with dermatology and oncology.
6. In June 2013, a dermatologist recommended surgical removal of additional suspicious skin lesions found on Patient A’s left upper and right lower extremities.
7. On June 25, 2013, Patient A underwent surgical removal of additional suspicious skin lesions as well as a sentinel lymph node biopsy and wide local back excision. The pathological diagnosis was metastatic melanoma of the left axillary lymph node and melanoma of the left upper and right lower extremity skin lesions.
8. On July 21, 2014, Patient B, a male born in 1956, presented to Respondent for a physical examination. Patient’s recorded weight was 280 pounds with BMI of 40.25. Respondent ordered a comprehensive metabolic panel.
9. On July 22, 2014, Patient B’s laboratory results reflected an elevated glucose level of 367, which suggested that Patient B may be diabetic.
10. Respondent has represented to the Department that he made efforts to contact Patient B to discuss the laboratory results. There is no documentation in Patient B’s health care record of any efforts made by Respondent or his staff to notify Patient B of his laboratory results. Patient B was not informed that he was diabetic for one year.
11. On August 24, 2015, Patient C, a male born in 1969, presented to Respondent with chief complaint of bright red blood in his stool for the last several weeks.
12. Respondent did not perform a rectal examination on Patient C.
13. Respondent’s health care charting for Patient C contains conflicting information regarding whether a CT or colonoscopy would be performed. Respondent documented that Patient C “chooses colonoscopy for now, we will follow up on pending results.” However, Respondent ordered a CT scan.
14. On August 10, 2015, Respondent was issued a written reprimand by the Facility for failing to timely complete charts, failing to timely inform patients of test results and inaccuracies in matching codes to diagnoses.
15. Respondent denies the allegations of unprofessional conduct.

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 Daniel S. Landdeck, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(h)(Nov. 2002) by engaging in conduct which tends to constitute a danger to the health, welfare, or safety of a patient.
3. By the conduct described in the Findings of Fact, Respondent Daniel S. Landdeck, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(b)(Oct. 2013) by departing from or failing to conform to the standard of minimally competent medical practice which creates an unacceptable risk of harm to a patient or the public whether or not the act or omission resulted in actual harm to any person.
4. By the conduct described in the Findings of Fact, Respondent Daniel S. Landdeck, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(za)(Nov. 2002) by failing to maintain patient health care records consistent with the requirements of ch. Med 21.
5. By the conduct described in the Findings of Fact, Respondent Daniel S. Landdeck, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(e)(Oct. 2013) by failing to establish and maintain timely patient health care records, under s. Med 21.03, or as otherwise required by law.
6. As a result of the above conduct, Daniel S. Landdeck, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Daniel S. Landdeck, M.D., is REPRIMANDED.
3. The medicine and surgery license issued to Daniel S. Landdeck, M.D., (license number 34940-20) is LIMITED as follows:
 - a. Within nine (9) months of the date of this Order, Respondent shall successfully complete eight (8) hours of education on the topic of documentation.
 - b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the course(s)

from the Wisconsin Medical Examining Board, or its designee, prior to commencement of the course(s).

c. The Board or its designee may reject any course and may accept a course for less than the number of hours for which Respondent seeks approval.

d. Within 30 days of completion of each educational component, Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.

e. Respondent is responsible for all costs associated with compliance with this educational requirement.

f. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

4. Within 90 days from the date of this Order, Daniel S. Landdeck, M.D., shall pay COSTS of this matter in the amount of \$3,576.00.

5. 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:

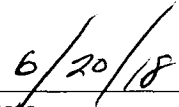
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. In the event Respondent violates any term of this Order, Respondent's license (no. 34940-20), 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.

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

DANIEL S. LANDDECK, M.D.,
RESPONDENT.

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STIPULATION

0005798

Division of Legal Services and Compliance Case No. 16 MED 141

Respondent Daniel S. Landdeck, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

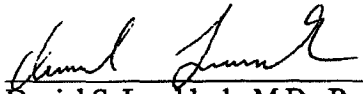
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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 Patricia Putney.
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.

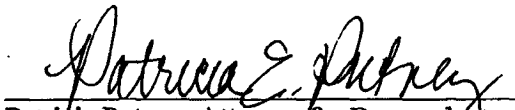
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's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

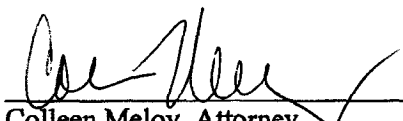
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Daniel S. Landdeck, M.D., Respondent
Gundersen Sparta Clinic
315 West Oak Street
Sparta, WI 54656
License no. 34940-020

5-10-18
Date


Patricia Putney, Attorney for Respondent
Bell Moore and Richter SC
345 West Washington Ave. Suite 302
Madison, WI 53703

5/11/18
Date


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

05/11/2018
Date