

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
: FINAL DECISION AND ORDER
: FOR REMEDIAL EDUCATION
VICTORIA FETTER, M.D., :
LICENSEE. : **0006017**

Division of Legal Services and Compliance Case No. 15 MED 234

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

Victoria Fetter, M.D.
633 W. Wisconsin Avenue, Suite 401
Milwaukee, WI 53203

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Department of Safety and Professional Services
Division of Legal Services and Compliance
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. Licensee Victoria Fetter, M.D (DOB November 8, 1941), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 16473-20, first issued on August 9, 1968, with registration current through October 31, 2019. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 633 W. Wisconsin Avenue, Suite 401, Milwaukee, Wisconsin 53203.

2. Licensee is a psychiatrist. Between 2011 and 2014, she treated Patient A, a male born in 1949. Patient A had various mental health issues but retained the right to make health care decisions for himself throughout the time Licensee treated him.

3. The Division of Legal Services and Compliance (Division) opened case number 15 MED 234 to investigate allegations that Licensee became upset with Patient A when he

brought a family member along to attend an appointment with Licensee without first discussing it with Licensee.¹

4. While investigating this matter, the Division obtained an authorization allowing Licensee to provide the Division with certified complete medical records of mental health care she provided to Patient A.

5. The records of Patient A's care provided by Licensee were copied on the back of previously used paper, which contained no other patient care information, but included other patient names, dates of birth, social security numbers, dates of service, home addresses, insurance carriers, and a Disability Insurance Benefit Analysis.

6. The Division had not provided Licensee with signed authorizations allowing her to disclose the names and other sensitive information about patients who were not the subject of the Division's investigation.

7. Licensee claims she re-used paper to save money and resources, and that she has vetted the practice with medical ethics professionals who informed her that maintaining records at her office in this manner is allowed.

8. Licensee claims she felt the Division's request for complete certified records compelled her to provide the records exactly as they existed in her file, and that her attorney copied the records in this manner and prepared a certification page for her signature.

9. Licensee has ceased the practice of re-using paper for patient care records.

10. Licensee's treatment records for Patient A reflect contacts between Licensee and Patient A's family members and roommate. During an interview with a Division investigator, Licensee acknowledged these contacts and claimed Patient A authorized them. However, Licensee could not produce signed authorizations, and the records are unclear that Patient A verbally authorized Licensee to discuss Patient A's psychiatric care with family members and a roommate.

11. Patient A was interviewed by the Division and could not recall whether or not he authorized Licensee to communicate with his family members and a roommate. As of 2014, Patient A moved to another state to live near his sister who became his Power of Attorney for Health Care.

12. Licensee has since developed a specific consent form for use when patients ask her to communicate with third parties.

13. In resolution of this matter, Licensee consents to the entry of the following Conclusion of Law and Order.

¹ The investigation revealed insufficient evidence to prove unprofessional conduct as defined by the Wisconsin Administrative Code section regarding disruptive behavior by physicians.

CONCLUSION OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over 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).

ORDER

1. The Stipulation of the parties is accepted.
2. Within six (6) months of the date of this Order, Licensee shall successfully complete eight (8) hours of education on the topic of patient confidentiality and two (2) hours of education on the topic of medical record keeping/documentation.
 - a. Licensee shall be responsible for identifying the courses required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the courses from the Board, or its designee, prior to commencement of the courses.
 - b. The Board or its designee may reject any course and may accept a course for less than the number of hours for which Licensee seeks approval.
 - c. Within thirty (30) days of completion of each educational component, Licensee 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.
 - d. Licensee is responsible for all costs associated with compliance with this educational requirement.
 - e. 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.
3. Requests for course approval, and proof of course completion shall be sent by Licensee 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 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

They may also be submitted online via the Department's Monitoring Case Management System at <https://app.wi.gov/DSPSMonitoring>

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and the Board may, in its discretion, impose additional conditions and limitations or other additional discipline, as it deems appropriate.

5. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By: 
A Member of the Board

1/16/19
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF

VICTORIA FETTER, M.D.,
LICENSEE.

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:
:
:
:

STIPULATION

0006017

Division of Legal Services and Compliance Case No. 15 MED 234

Licensee Victoria Fetter, 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. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by Attorney Arthur Beck.

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

7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education is a public record and will be published in accordance with standard Department procedure.

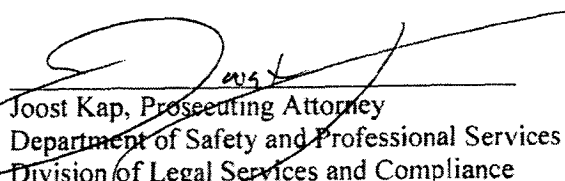
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.


Victoria Fetter, M.D., Licensee *BY APD*
633 W. Wisconsin Ave., Suite 401
Milwaukee, WI 53203
License no. 16473-20

1/21/19
Date


Arthur Beck, Attorney for Licensee
Beck, Chaet, Bamberger & Polsky, S.C.
330 East Kilbourn Ave., Tower 2, Suite 1085
Milwaukee, WI 53202-3170

12/26/18
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

1/24/19
Date