

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
MICHAEL J. SCHNEIDER, M.D., : FINAL DECISION AND ORDER  
RESPONDENT. :  
 : **ORDER 0006670**

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Division of Legal Services and Compliance Case No. 18 MED 238

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

Michael J. Schneider, M.D.  
New Richmond, WI

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 Michael J. Schneider (DOB xx-xx-1965), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 62940-20, first issued on September 10, 2014, with registration current through October 31, 2021.

2. On July 3, 2018, the Department of Safety and Professional Services received a Claims Paid Report indicating a claim was paid in settlement on behalf of Respondent in the amount of \$35,137 for the alleged incomplete resection of a colon tumor.

3. On January 4, 2016, Respondent performed a diagnostic colonoscopy on Patient D.H., during which he discovered a broad-based sessile mass on the entrance of the colonoscope

to the ascending right colon. As Respondent withdrew the scope from the ascending colon, he again encountered a sessile lesion along the lateral wall of a mucosal fold.

4. Respondent biopsied the mass and took photos but did not remove it in its entirety or ink mark tattoo its location.

5. The pathology results of the mass indicated a malignant neoplasm of the ascending colon or colon cancer.

6. On January 25, 2016, Respondent performed a right hemicolectomy. Respondent charted that “because of the visual landmarks of the cecum, [he] had been of the assurance that this small lesion was in the proximal colon, in the right colon.” However, the pathology report on the excised tissue failed to demonstrate the inclusion of the pathologic lesion.

7. Respondent had to perform a second colonoscopy on Patient D.H. to find the pathologic lesion. Respondent charted that he “identified that lesion and it was indeed right near the anastomosis, just distal in the colon, still in the colon, not resected, not removed.” Respondent did further biopsies of the lesion and ink mark tattooed it this time.

8. Patient D.H. underwent an additional colonoscopy and evaluation at another facility. No lesion was found, and no further care was warranted.

9. Respondent has since reviewed his practice patterns. He now always ink mark tattoos any discovered mass regardless of his confidence in its location, and he always dissects the specimen in the operating suite to ensure that the area of concern is contained within the section of the removed colon.

10. 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 Michael J. Schneider, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(d) by performing or attempting to perform any surgical or invasive procedure on the wrong patient, or at the wrong anatomical site, or performing the wrong procedure on any patient.

3. As a result of the above conduct, Michael J. Schneider, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Michael J. Schneider, M.D., is REPRIMANDED.
3. Within 90 days from the date of this Order, Michael J. Schneider, M.D., shall pay COSTS of this matter in the amount of \$450.00.
4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and 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](mailto:DSPSMonitoring@wisconsin.gov)

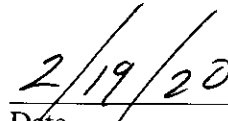
You may also submit payment online via DSPS' Monitoring Case Management System,  
here: <https://app.wi.gov/DSPSMonitoring>

5. In the event Respondent violates any term of this Order, Respondent's license (No. 62940-20), 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.

6. 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

MICHAEL J. SCHNEIDER, M.D.,  
RESPONDENT.

STIPULATION

**ORDER 0006670**

Division of Legal Services and Compliance Case No. 18 MED 238

Respondent Michael J. Schneider, 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 Bryon G. Ascheman.


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.

  
\_\_\_\_\_  
Michael J. Schneider, M.D., Respondent  
License No. 62940-20

1-21-2020  
Date

  
\_\_\_\_\_  
Bryon G. Ascherman, Attorney for Respondent  
Burke and Thomas, PLLP  
3900 Northwoods Drive, Suite 200  
St. Paul, MN 55112

1/28/2020  
Date

  
\_\_\_\_\_  
Julie A. Zimmer, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

1/31/2020  
Date