

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
KEVIN J. WEBER, M.D. :
LICENSEE. :

ORDER 0006951

Division of Legal Services and Compliance Case Nos. 19 MED 535 and 19 MED 571

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

Kevin J. Weber, M.D.
Baraboo, WI 53913

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. Licensee Kevin J. Weber, M.D., (DOB: XX/XX/1958) is licensed by the state of Wisconsin to practice medicine and surgery, having license number 28989-20, first issued on November 18, 1987, with registration current through October 31, 2021. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Baraboo, Wisconsin 53913.

19 MED 535

2. On October 18, 2019, Licensee's privileges to perform Total Knee Arthroplasty (TKA) procedures were suspended at a hospital (Hospital) located in Reedsburg, Wisconsin. All other clinical privileges remained intact.

3. The suspension was based on issues with Licensee's infection rate and post-operative management of TKA patients.

4. After completion of the Current Concepts in Joint Replacement Winter 2019 seminar from December 11-14, 2019, and in-person training including four (4)¹ proctored TKA procedures, Licensee's privileges were reinstated on January 27, 2020.

5. The proctor and Licensee also reviewed, in detail, the following topics:

- a. Evaluation of a painful total knee arthroplasty
- b. Work-up for a potentially infected total knee
- c. The value of superficial vs. deep cultures
- d. The treatment of an infected total knee arthroplasty
- e. The role of a polyethylene exchange with irrigation and debridement
- f. The role, if any, of a wound vacuum vs. wound closure.

19 MED 571

6. At all times relevant to this matter, Respondent was employed at a medical facility (Facility), located in Hillsboro, Wisconsin.

7. Licensee provided staff members, including medical assistants and certified nursing assistants, with his EPIC login information.

8. Licensee provided his personal EPIC login information to his medical assistant (MA). Respondent directed the MA to sign off and on, or otherwise authenticate his orders and patient medication records under his personal login.

9. The Facility found that Respondent impermissibly delegated patient medical record authentication and signature duties to staff under his login.

10. The Facility provided Respondent with a dictation microphone tool to complete his documentation. Additionally, changes were made so that a Nurse Practitioner could complete orders for Respondent.

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

¹ The requirements for reinstatement include five (5) proctored TKA procedures, however one (1) case was canceled secondary to the patient having an illness.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. The Board has reviewed and approves the education and in-person training Licensee has completed on TKA procedures, as listed in paragraphs 4. and 5. of the Findings of Fact, in lieu of education that would have otherwise been ordered by the Board. None of the education completed in paragraphs 4. and 5. of the Findings of Fact may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.

3. Within six (6) months of the date of this Order, Licensee shall at his own expense take and successfully complete two (2) hours of education in documentation practices as follows:

- a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course(s) from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
- b. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.
- c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Licensee. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.

4. Requests for course approval and proof of successful 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

You may also submit this information online via DSPS' Monitoring Case Management System, here: <https://dpsmonitoring.wi.gov/>

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

WISCONSIN MEDICAL EXAMINING BOARD

by: Shelton A. Wasserman, MD
A Member of the Board

19 August 2020
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :

KEVIN J. WEBER, M.D., :
LICENSEE. :

STIPULATION

ORDER 0006951

Division of Legal Services and Compliance Case Nos. 19 MED 535 and 19 MED 571

Licensee Kevin J. Weber, 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.

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 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 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.



Kevin J. Weber, M.D., Licensee
Baraboo, WI 53913
License No. 28989-20

7-13-2020
Date



Alicia M. Kennedy, Attorney
Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

July 15, 2020
Date