

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 :
 : FINAL DECISION AND ORDER
JOHN C. WYNSSEN, M.D., :
RESPONDENT. :

ORDER 0007129

Division of Legal Services and Compliance Case No. 20 MED 194

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

John C. Wynsen, M.D.
Menomonee Falls, WI 53051

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 John C. Wynsen, M.D. (DOB xx-xx-1956), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 27119-20, first issued on July 2, 1985, with registration current through October 31, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Menomonee Falls, Wisconsin 53051.

2. On April 27, 2020, Respondent surrendered for cause his U.S. Drug Enforcement Administration (DEA) Certificate of Registration after a DEA investigation revealed Respondent had improperly issued controlled substance prescriptions to his wife, friends, and patients.

3. The DEA discovered that Respondent, over a period of many years, prescribed Klonopin to his wife without establishing a physician-patient relationship and without any documentation.

4. The DEA discovered that Respondent, over a period of many years, prescribed Ativan to his partner's wife without establishing a physician-patient relationship and without any documentation.

5. The DEA discovered that Respondent prescribed benzodiazepines to his cardiology patients on several occasions that were not based on cardiovascular issues so they would not have to visit other physicians.

6. On May 4, 2020, Respondent applied for a new DEA Certificate of Registration.

7. On May 26, 2020, Respondent entered into a Memorandum of Agreement (MOA) with the DEA limiting his DEA registration for two (2) years from the date of signing. A copy of the DEA MOA is attached as DSPS Exhibit 1.

8. 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 engaged in unprofessional conduct as defined by Wis. Stat. § Med 10.03(2)(c) by prescribing any prescription medication in any manner that is inconsistent with the standard of minimal competence.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(e) by prescribing a controlled substance as defined in s. 961.01(4), Stats., other than in the course of legitimate professional practice, or as otherwise permitted by law.

4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(e) by failing to establish and maintain timely patient health care records, including records of prescription orders, under s. Med 21.03, or as otherwise required by law.

5. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.
3. The Wisconsin license to practice medicine and surgery issued to Respondent (license no. 27119-20) is LIMITED as follows:
 - a. Respondent shall comply with the DEA MOA, attached herein as DSPTS Exhibit 1. Any violations of the DEA MOA shall be considered violations of this Order.
 - b. Respondent shall immediately notify the Department Monitor of any violations of the DEA MOA and/or if DEA initiates proceedings to revoke or limit Respondent's DEA Certificate of Registration.
 - c. Respondent shall submit quarterly reports to the Department Monitor beginning three (3) months after the date of this Order. The reports shall include a summary of Respondent's compliance with the DEA MOA during the previous quarter.
 - d. Respondent may petition the Board to remove the limitation once the DEA MOA is no longer in effect. The petition shall include written proof from the DEA that the DEA MOA is no longer in effect and Respondent has satisfactorily complied with its conditions.
4. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$572.00.
5. Any submissions required under this Order, and 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
DSPTSMonitoring@wisconsin.gov

Respondent may also submit payment online via DSPTS' Monitoring Case Management System, here: <https://dspsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's license (no. 27119-20), 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: Stephan A. Wasserman, MD
A Member of the Board

16 December 2020
Date

IN THE MATTER OF:

John C. Wynsen, M.D.
[REDACTED]

) U.S. DEPARTMENT OF JUSTICE
) DRUG ENFORCEMENT ADMINISTRATION
) File Number: I3-20-2012

MEMORANDUM OF AGREEMENT

I.

Background

John C. Wynsen, M.D. (hereafter referred to as Dr. Wynsen) was previously registered with the Drug Enforcement Administration (DEA) as a Practitioner with authorization to handle Schedules 2-5 controlled substances and was assigned DEA Registration Number BW2080531. In April of 2020, Dr. Wynsen surrendered DEA Registration BW2080531 for cause and does not currently maintain an active DEA controlled substance registration. The last registered address for DEA Registration BW2080531 was [REDACTED].

An investigation conducted by DEA revealed Dr. Wynsen improperly issued controlled substance prescriptions, as favors, to his family members and friends, which occurred over a period of many years, outside the scope of proper practice of medicine and without medical documentation. In addition, Dr. Wynsen issued controlled substance prescriptions, as favors, to other individuals outside of the scope of proper practice of medicine.

On May 4, 2020, a DEA web-application, DEA-224 Form, Document Control Number (D/N) W20041758C, was submitted for Dr. Wynsen, M.D., for the registered location of Brookfield Heart and Vascular Clinic, [REDACTED].

Dr. Wynsen is a Cardiologist and is requesting authorization to handle Schedules 2-5 controlled substances as a Practitioner. Dr. Wynsen answered yes to DEA Form-224 Liability Question 2, has the applicant ever surrendered (for cause) or a had a federal controlled substance registration revoked, suspended, restricted or denied, or is any such action pending?

Dr. Wynsen maintains an active, current, and eligible to practice Wisconsin state medical license, Number 27119-20, expiration date October 31, 2021, with specialties in Cardiology and Internal Medicine.

II.

Terms and Conditions

In the interest of ensuring compliance with the laws and regulations governing controlled substances, John C. WYNSSEN, M.D., (Dr. WYNSSEN) and the Drug Enforcement Administration (DEA) agree as follows:

1. Dr. WYNSSEN shall abide by all federal, state, and local laws and regulations relating to controlled substances;

2. Dr. WYNSSEN shall **not** consume or possess any controlled substances that are not prescribed or dispensed to him by another licensed physician acting in the usual course of professional practice to treat legitimate medical conditions;
3. Dr. WYNSSEN shall only be authorized to provide a medical order, administer, or dispense controlled substances, in Schedules 2-5, when acting in the usual course of professional practice to treat legitimate medical condition and in accordance with federal regulations including, but not limited to, Title 21, Code of Federal Regulations (CFR), Parts 1306 and 1311;
4. Dr. WYNSSEN shall not prescribe (that is to issue prescriptions) Schedules 2-5 controlled substances;
5. Dr. WYNSSEN shall **not** procure, order, or stockpile any controlled substances in Schedules 2-5;
6. Dr. WYNSSEN shall allow DEA personnel to enter his registered location at any time during business hours without prior notice to verify compliance with this Agreement, said entry to be permitted without an Administrative Inspection Warrant (AIW) or some other means of entry;
7. Dr. WYNSSEN shall notify the DEA Milwaukee District Office:
 - a. Prior to obtaining employment at another (additional) hospital or clinic (including self-employment);
 - b. prior to attempting to transfer his DEA Certificate of Registration to another address;
 - c. prior to submitting an application for a new registration within the State of Wisconsin; and
 - d. prior to submitting an application for a new registration in any other state.
8. Dr. WYNSSEN shall immediately notify the DEA Milwaukee District Office and surrender his DEA Registration should his Medical License(s) or his Controlled Substances Registration(s) become suspended or revoked in the State of Wisconsin or in any other State in which he should obtain a Medical License or Controlled Substances Registration;

9. Violation of any term(s) of this Agreement shall result in proceedings to revoke Dr. WYNSSEN's DEA Certificate of Registration. Further, nothing in this Agreement shall be construed as a waiver on the part of the DEA to utilize any other grounds for revocation or denial of a DEA registration, in the event that future administrative proceedings become necessary;
10. By executing this Agreement, Dr. WYNSSEN waives all rights to seek judicial review or to challenge or contest the validity of any terms or conditions of this Agreement.



This Memorandum of Agreement will remain in effect for a period of two (2) years, said period to commence from the date of signing this Agreement, but not prior to May 26, 2020. Upon signing this Agreement, Dr. WYNSSEN will be assigned a new DEA registration as a Practitioner, authorized to handle Schedules 2-5 controlled substances under the terms outlined in this Agreement.

The terms of this Agreement do not vitiate Dr. WYNSSEN's obligation to adhere to the provisions of Paragraph 1, 2 and 3 during the entire term of his registration as a Practitioner. The DEA enters into this Agreement with the understanding that John C. WYNSSEN, M.D., shall abide by its Terms and Conditions in good faith.

FOR THE DRUG ENFORCEMENT ADMINISTRATION:

DANIEL GILLEN Digitally signed by DANIEL GILLEN
Date: 2020.05.22 13:34:25 -05'00' Date _____
Daniel J. Gillen
Diversion Program Manager
DEA Chicago Field Division

FOR THE RESPONDENT:

 Date 5-22-20
John C. Wynsen, M.D.


AS WITNESSED:

_____ Date _____
Kerrienne Ostrowski
Diversion Investigator
DEA Chicago Field Division
Milwaukee District Office (MDO)

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN C. WYNSEN, M.D.,
RESPONDENT.

STIPULATION

ORDER 0007129

Division of Legal Services and Compliance Case No. 20 MED 194

Respondent John C. Wynsen, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

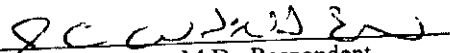
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives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

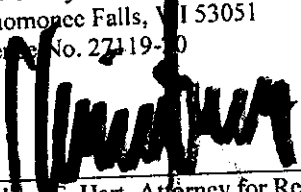
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's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


John C. Wynsen, M.D., Respondent
Menomonee Falls, WI 53051
License No. 27119-30

11-22-20
Date


Michael F. Hart, Attorney for Respondent
Hart Lowell S.C.
735 N. Water St., Suite 1212
Milwaukee, WI 53212

Nov 25, 2020
Date


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

11/25/2020
Date