

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RICHARD W. RAPP, D.O.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **ORDER 0007325**

Division of Legal Services and Compliance Case No. 20 MED 462

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

Richard W. Rapp, D.O.
Ladysmith, WI 54848

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 Richard W. Rapp, D.O. (Year of Birth 1979), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 65403-21, first issued on April 5, 2016, 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 Ladysmith, Wisconsin 54848.
2. Respondent is also licensed to practice medicine in the state of Minnesota.
3. Respondent co-owns and serves as the Chief Medical Officer of a clinical services provider based in Lake Elmo, Minnesota. He provides on-site primary care to residents of

nursing homes, assisted living facilities, and group homes, and serves as the medical director of four nursing homes in Minnesota and Wisconsin.

4. On October 29, 2020, Respondent was convicted of OWI (1st w/ Passenger <16), a misdemeanor in violation of Wis. Stat. § 346.63(1)(a), and Negligent Operation of Motor Vehicle, a misdemeanor, in violation of Wis. Stat. § 941.01(1), in Rusk County Circuit Court Case Number 20CF002.

5. The convictions stem from Respondent's January 2020 arrest for drinking and driving with two of his children in the car. He timely self-reported the convictions to the Board and to the Minnesota Board of Medical Practice.

6. After the arrest, Respondent applied to the Department's Professional Assistance Procedure (PAP) and the State of Minnesota Health Professionals Services Program (HPSP) which is Minnesota's version of PAP.

7. On March 10, 2020, Respondent was accepted into the HPSP and began a three-year term subject to the following conditions: employment pre-approval and work-site monitoring; AODA evaluation, ongoing treatment, regular screenings, and support group attendance; abstinence; coordination of care and prescribing with his primary care physician; quarterly reporting to HPSP; and immediate reporting (within 24 hours) of changes in treatment or employment, relapse, or any failure to comply with HPSP terms (HPSP Agreement).

8. Respondent's PAP application remains pending, but he hereby agrees to withdraw it and 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. Admin. Code § Med 10.03(3)(c) by having any credential pertaining to the practice of medicine and surgery or any act constituting the practice of medicine and surgery become subject to adverse determination by any agency of this or another state, or by any federal agency or authority.

3. 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. The license of Respondent to practice medicine and surgery in the state of Wisconsin (license number 65403-21) and his right to renew the license are LIMITED as follows:

- a. Respondent shall maintain full compliance with the HPSP Agreement;
 - b. Respondent shall submit quarterly compliance reports required under the HPSP Agreement;
 - c. Respondent shall provide immediate notification (within 24 hours) of any violation of the HPSP Agreement and/or any change in the conditions of Respondent's continued practice of medicine in Minnesota; and
 - d. Respondent shall provide proof, sufficient to the Board or its designee, that Respondent has successfully completed the HPSP, at which time the Board may, in its discretion, lift this limitation and reinstate Respondent's license in full.
3. Any violation of the HPSP Agreement is a violation for purposes of the Board.
4. In the event Respondent is discharged from the HPSP for failure to comply with its terms, Respondent's license may, in the discretion of the Board or its designee, be immediately SUSPENDED. In addition to, or instead of, the suspension, the Board may impose additional limitations to address the reason(s) for Respondent's discharge from the HPSP.
5. Within 90 days from the date of this Order, Respondent, shall pay COSTS of this matter in the amount of \$645.00.
6. All submissions required under this Order and payment of costs (payable to the Wisconsin Department of Safety and Professional Services) shall be 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit these things online at <https://dspsmonitoring.wi.gov/>

7. In the event Respondent violates any term of this Order, Respondent's license (no. 65403-21), 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.

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

WISCONSIN MEDICAL EXAMINING BOARD

By: Stephan A. Wasserman, MD
A Member of the Board

21 April 2021
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RICHARD W. RAPP, D.O.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0007325

Division of Legal Services and Compliance Case No. 20 MED 462

Respondent Richard W. Rapp, D.O., 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.

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, 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.

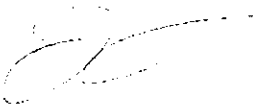
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Richard W. Rapp, D.O., Respondent
Ladysmith, WI 54848
License no. 65403-21

4/8/21

Date



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

4/9/2021

Date