

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
 ARISTEIDIE DIVERIS, M.D., :
 LICENSEE. : **ORDER 0007327**

Division of Legal Services and Compliance Case No. 19 MED 336

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

Aristeidie Diveris, M.D.
Lake Forest, IL 60045

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 Aristeidie Diveris, M.D. (Year of Birth 1961), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 67641-20, first issued on July 11, 2017, 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 in Lake Forest, IL 60045.

2. At all times relevant to this matter, Licensee was employed as an anesthesiologist at a facility in Pleasant Prairie, Wisconsin (Facility).

3. On April 17, 2019, Patient A was scheduled for disk replacement surgery and Licensee was the anesthesiologist for the surgery.

4. Licensee administered pre-operative anesthesia medications to Patient A by IV. Specifically, succinylcholine (a paralytic) was administered first, which was not Licensee's standard practice and not the sequence that Licensee intended.

5. Licensee realized the sequence issue and administered the rest of the pre-operative medications immediately thereafter.

6. Licensee states that Patient A remained stable from an anesthesia perspective, and surgery was completed successfully with no adverse outcome.

7. Licensee states that the sequence issue occurred because the pre-operative medication syringes were unlabeled. Licensee did not confirm the specific contents of the syringes prior to injection.

8. Licensee discussed the sequence issue with Patient A after surgery, and explained the fact that succinylcholine was given first may have contributed to Patient A's perception that he had difficulty breathing when anesthesia was first administered.

9. Licensee has since taken steps to ensure that this type of incident does not occur in the future, including not administering medications from unlabeled syringes and confirming proper labeling and administration prior to injecting any anesthetic medication.

10. This Final Decision and order for Remedial Education does not constitute professional discipline and the Board has made no finding that Licensee engaged in unprofessional conduct.

11. Licensee denies any unprofessional conduct or deviation from the standard of care, but to resolve this matter he consents to entry of the following Conclusion of Law and Order.

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. Within six (6) months of the date of this Order, Licensee shall at his own expense take and successfully complete four (4) hours of education on the topic of avoiding medication errors 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.
3. 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

Licensee may also submit this information online at: <https://dspsmonitoring.wi.gov/>

4. 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 THE LICENSE OF
ARISTEIDIE DIVERIS, M.D.,
RESPONDENT.

:
:
:
:

STIPULATION

ORDER 0007327

Division of Legal Services and Compliance Case No. 19 MED 336

Licensee Aristeidie Diveris, 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 Amy Scholl.

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.

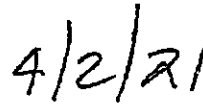
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee or Licensee's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



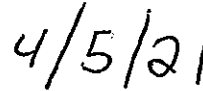
Aristeidie Diveris, M.D., Respondent
Lake Forest, IL 60045
License No. 67641-20



Date



Amy Scholl, Attorney for Respondent
Coyne, Schultz, Becker & Bauer, S.C.
150 E. Gilman St., Suite 1000
Madison, WI 53703



Date



Carley Peich Kiesling, Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

04/06/21

Date