

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
ANNETTE STOKES, M.D., : FINAL DECISION AND ORDER  
RESPONDENT. : **ORDER 0007329**

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Division of Legal Services and Compliance Case No. 19 MED 093

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

Annette Stokes, 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. Annette Stokes, M.D. (Respondent), (Year of Birth 1958), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 37170-20, first issued on September 29, 1995, 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 located in Menomonee Falls, Wisconsin 53051.

2. At all times relevant to this proceeding, Respondent practiced as a physician at a Veteran's hospital (Hospital) located in Green Bay, Wisconsin, as well as a sole practitioner at a weight loss clinic (Clinic) located in Milwaukee, Wisconsin.

3. On multiple occasions in 2018 and 2019, Respondent prescribed and dispensed phentermine to patients at the Clinic without first checking the Prescription Drug Monitoring Program (PDMP) and without entering her prescribing and dispensing data into the PDMP.

4. As of the date of this Order, Respondent has not entered dispensing data into the PDMP regarding the phentermine prescriptions detailed in paragraph 3.

5. 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. Pursuant to Wis. Stat. § 961.20(2m)(d), phentermine is a schedule IV controlled substance, and a “monitored prescription drug” within the meaning of Wis. Admin. Code § CSB 4.02(12)(a).

3. Pursuant to Wis. Stat. § 961.385(1)(af), “dispense” means to deliver a monitored prescription drug pursuant to the lawful prescription order of a practitioner.

4. Pursuant to Wis. Admin. Code § CSB 4.02(8), “dispenser” includes a practitioner who dispenses a monitored prescription drug.

5. Pursuant to Wis. Admin. Code § CSB 4.05(1), a “dispenser” shall electronically submit dispensing data to the PDMP.

6. Pursuant to Wis. Admin. Code § CSB 4.07(1), a “dispenser” shall electronically correct dispensing data in the PDMP system within five (5) business days of discovering an omission, error, or inaccuracy in previously submitted dispensing data.

7. Pursuant to Wis. Admin. Code § CSB 4.105(1), a practitioner shall review the monitored prescription drug history report about a patient before the practitioner issues a prescription order for the patient.

8. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § 10.03(3)(i), by violating a law or rule of Wisconsin that is substantially related to the practice of medicine and surgery.

9. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(b), by departing from or failing to conform to the standard of minimally competent medical practice which creates an unacceptable risk of harm to a patient or the public whether or not the act or omission resulted in actual harm to any person.

10. 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. Respondent's license to practice medicine and surgery in the state of Wisconsin (license number 37170-20) is LIMITED as follows:
  - a. Within six (6) months of the date of this Order, Respondent shall successfully complete two (2) hours of education on the topic of controlled substance management.
  - b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course(s) descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Wisconsin Medical Examining Board, or its designee, prior to commencement of the course(s).
  - c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
  - d. Within thirty (30) days of completion of the ordered education, Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
  - e. Respondent is responsible for all costs associated with compliance with this educational requirement.
  - f. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.
4. Respondent's license to practice medicine and surgery in the state of Wisconsin (license number 37170-20) is further LIMITED as follows:
  - a. Within five (5) business days of the date of this Order, Respondent shall electronically correct dispensing data in the PDMP system concerning any patient prescribed and dispensed phentermine by Respondent as of January 1, 2018.

b. Respondent shall submit a list of patient names and corrected PDMP data to the Department Monitor no later than ten (10) business days following the date of this Order.

5. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,096.00.

6. Any petitions, requests, and submissions, along with payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor to:

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)

Respondent may also submit this information at: <https://dpsmonitoring.wi.gov/>

7. In the event Respondent violates any term of this Order, Respondent's license (no. 37170-20), or Respondent's right to renew her 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:   
A Member of the Board

21 April 2021  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ANNETTE STOKES, M.D.,  
RESPONDENT.

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STIPULATION

ORDER 0007329

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Division of Legal Services and Compliance Case No. 19 MED 093

Respondent Annette Stokes, 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.

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.

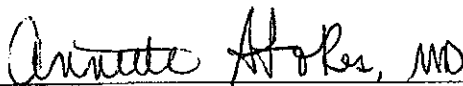
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

  
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Annette Stokes, M.D., Respondent  
Menomonee Falls, WI 53051  
License No. 37170-20

3/23/2021  
Date

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

3/25/2021  
Date