

## 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/wscga>

- 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](mailto:DSPS@wisconsin.gov)

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

---

IN THE MATTER OF THE LICENSE OF :  
: FINAL DECISION AND ORDER  
ANTHONY F. NOVAK, M.D., : FOR REMEDIAL EDUCATION  
LICENSEE. :  
**ORDER 0007445**

---

Division of Legal Services and Compliance Case No. 20 MED 497

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

Anthony F. Novak, M.D.  
River Falls, WI 54022-3506

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, Conclusion of Law, and Order.

FINDINGS OF FACT

1. Licensee Anthony F. Novak, M.D., (Year of Birth 1958) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 30071-20, first issued on March 22, 1989, 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 River Falls, Wisconsin 54022-3506.

2. At all relevant times, Licensee practiced ophthalmology at an eye surgery center in River Falls, Wisconsin (Center).

3. On May 1, 2018, Patient A presented to Licensee with complaints of decreased vision. Licensee charted that another provider previously performed a refraction and was unable to improve Patient A's vision. Licensee's assessment was decreased visual acuity due to nuclear

sclerotic cortical cataracts, and he recommended cataract surgery on both eyes. Licensee did not perform a refraction himself and document in Patient A's chart that the refraction supported the cataract surgery.

4. On May 17, 2018, Licensee performed uncomplicated cataract surgery on Patient A's left eye.

5. On May 31, 2018, Licensee performed cataract surgery on Patient A's right eye, during which a known complication occurred requiring intra-operative sutures.

6. On June 1, 2018, Licensee saw Patient A for his one-day post-operative appointment for the right eye. Licensee charted that Patient A's cornea and chambers were "normal" and did not document any corneal edema or inflammation resulting from the intra-operative sutures.

7. On June 4, 2018, Licensee saw Patient A for his four-day post-operative appointment for the right eye. Licensee's assessment was blurry vision due to astigmatism caused by the sutures, but he did not document any refraction that measured and supported an astigmatism.

8. On June 13, 2018, Patient A returned to Licensee with complaints of irritation in his right eye. Licensee charted that Patient A's cornea, chambers, and conjunctiva/sclera were "normal" even though Licensee also charted the presence of a dellen.

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

#### CONCLUSION 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 months of the date of this Order, Licensee shall at his own expense take and successfully complete four hours of education on the topic of proper medical record documentation 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) 266-2112; Fax (608) 266-2264  
DPSMonitoring@wisconsin.gov

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

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

WISCONSIN MEDICAL EXAMINING BOARD

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

Date 16 June 2021

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

---

IN THE MATTER OF THE LICENSE OF :  
: ANTHONY F. NOVAK, M.D., :  
: LICENSEE. :  
:

STIPULATION  
ORDER 0007445

---

Division of Legal Services and Compliance Case No. 20 MED 497

Licensee Anthony F. Novak, 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 Bryon G. Aschman.

4. Licensee 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. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

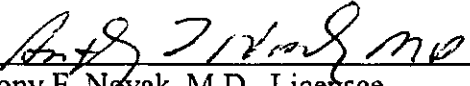
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not

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.

7. Licensee 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.

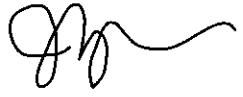
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Anthony F. Novak, M.D., Licensee  
River Falls, WI 54022-3506  
License No. 30071-20

5.26.21  
Date

s/Bryon G. Ascheman  
\_\_\_\_\_  
Bryon G. Ascheman, Attorney for Licensee  
Burke & Thomas, PLLP  
3900 Northwoods Dr., Suite 200  
St. Paul, MN 55112-6966

May 28, 2021  
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

5/28/2021  
Date