

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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3. On June 22, 2020, Licensee was supervising Physician Assistant B.<sup>1</sup> Physician Assistant B saw and examined Patient A (a 74-year-old female) who presented to the Facility with complaints of abdominal pain, diarrhea and bloating.

4. Physician Assistant B ordered an x-ray of Patient A's abdomen which showed: "distended small bowel with air-fluid levels. The pattern is suspicious for small bowel obstruction".

5. Physician Assistant B consulted with Licensee regarding the assessment of Patient A and plan of care. Licensee advised Physician Assistant B to instruct Patient A to return to the Facility the next day for follow up. Licensee co-signed Physician Assistant B's chart entry on the same day.

6. Licensee did not advise Physician Assistant B to refer Patient A to the ED or hospital for a CT scan and/or general surgery consult to rule out a surgical emergency on June 22, 2020, despite the appearance of the abdominal x-ray on that date.

7. Physician Assistant B discharged Patient A with instructions to follow up the next day at the Facility at which time another abdominal x-ray would be completed. Physician Assistant B also instructed Patient A to follow a liquid diet.

8. On June 23, 2020, Patient A presented to the Facility and was seen by an advanced practice nurse prescriber (APNP) who noted Patient A's abdominal pain was continued but improving, and that a repeat x-ray was improved. Patient A was instructed to continue a liquid and/or bland diet and follow up with her primary care physician in two days.

9. On June 25, 2020, Patient A presented to the emergency department (ED) at another facility with abdominal pain, primarily in the right upper quadrant, and was diagnosed with appendicitis. On June 26, 2020, Patient A underwent surgery for a ruptured appendix.

10. Licensee denies that his care and treatment of Patient A on June 22, 2020, was below the standard of care.

11. In resolution of this matter, Licensee consents to the entry of the following Conclusions 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.

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<sup>1</sup> Physician Assistant B is a co-Respondent in this matter.

2. Within six (6) months of the date of this Order, Licensee shall at their own expense take and successfully complete four (4) hours of education in the topic of diagnosis and management of abdominal surgical emergencies, 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 and may not be used in any future attempt to upgrade a credential.
- 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: Stephan A. Wacker, MD  
A Member of the Board

18 August 2021  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF

NEIL A. SHEPLER, M.D.,  
LICENSEE

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:

STIPULATION

**ORDER 0007553**

Division of Legal Services and Compliance Case No. 20 MED 297

Neil A. Shepler, M.D. (Licensee), 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 Michael Johnson.

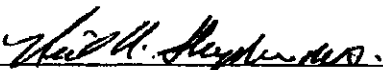
4. Licensee agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Licensee waives 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.

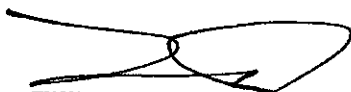
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee or Licensee's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

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.

  
Neil A. Shepler, M.D., Licensee  
Kenosha, WI 53144  
License No. 26486-20

07-28-2021  
Date

  
Michael Johnson, Attorney for Licensee  
Otjen, Gendelman, Zitzer, Johnson & Weir, S.C.  
20935 Swenson Dr., Ste 310  
Waukesha, WI 53186-2057

7/29/21  
Date

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

08/09/2021  
Date