

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
JOSEPH D. SPENNETTA, M.D., :  
RESPONDENT. : **ORDER 0007554**

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Division of Legal Services and Compliance Case No. 20 MED 385

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

Joseph D. Spennetta, M.D.,  
Middleton, WI 53562

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. Joseph D. Spennetta, M.D. (Respondent), (Year of Birth: 1971), is licensed in the state of Wisconsin to practice medicine and surgery, having license number (45241-20), first issued on January 7, 2003, 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 Middleton, Wisconsin 53562.

2. At all times relevant to this proceeding, Respondent was employed in the emergency department (E.D) of a hospital (Hospital), located in Woodruff, Wisconsin.

3. On September 6, 2020, Patient A was brought into the ED of the Hospital by ambulance and was treated by Respondent. Patient A had a blood alcohol level of .277.

Respondent questioned Patient A about illegal drug use. Patient A initially denied using marijuana and after further questioning from Respondent, admitted to using marijuana. The exchange between Patient A and Respondent was heated.

4. A physical altercation occurred between Respondent and Patient A. Respondent maintained that his actions were reflexive and in self-defense. Witness accounts maintain that Respondent used excessive force with Patient A.

5. The Hospital investigated this incident and concluded:

It is [the Hospital's] opinion based on witness statements obtained in its investigation that during the night of September 6, 2020 you engaged in conduct that was unprofessional, inconsistent with [the Hospital's] core values and a threat to patient safety.

6. The Hospital discharged Respondent on September 15, 2020, as a result of Respondent's actions on September 6, 2020.

7. Multiple law enforcement agencies were involved in investigating the incident. Ultimately the applicable District Attorney's office declined to charge Respondent with any criminal violations of law.

9. Respondent denies all allegations of unprofessional conduct or wrongdoing, but to resolve this matter, 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(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.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(h), by engaging in repeated or significant disruptive behavior or interaction with physicians, hospital personnel, patients, family members, or others that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered.

4. 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 (license no. 45241-20) is LIMITED as follows:
  - a. Within ninety (90) days of the date of this Order, Respondent shall, at his own expense, undergo and complete a fitness for practice evaluation with a pre-approved psychiatrist or psychologist (Evaluator) who has not provided treatment to Respondent and is experienced in evaluating whether a health care professional is fit for practice:
    - i. Prior to evaluation, Respondent shall provide a copy of this Final Decision and Order, along with the Hospital's investigatory file<sup>1</sup>, to the Evaluator.
    - ii. Respondent shall identify and provide the Evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
    - iii. Within fifteen (15) days of completion of the evaluation, a written report regarding the results of the assessment shall be submitted to the Department Monitor at the address below. The report shall address whether Respondent suffers from any condition(s) that may interfere with his ability to practice safely and competently and, if so, shall provide any recommended limitations for safe and competent practice.
    - iv. Respondent shall execute necessary documents authorizing the Department to obtain records of the evaluation, and to discuss Respondent and his case with the Evaluator. Respondent shall execute all releases necessary to permit disclosure of the final evaluation report to the Board or its designee. Certified copies of the final evaluation report shall be admissible in any future proceeding before the Board.
    - v. If the Evaluator determines that Respondent is not fit for practice the Board or its designee may suspend Respondent's license until Respondent provides proof sufficient to convince the Board or its designee that Respondent is able to practice with reasonable skill and safety of patients and the public and does not suffer from any condition which prevents Respondent from practicing in that manner.

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<sup>1</sup> Hospital investigatory file/documents related to the reason for Respondent's discharge from the Hospital.

vi. If the Evaluator determines that Respondent is fit for practice, but with limitations, the Board or its designee may limit Respondent's license in a manner to address any concerns the Board or its designee has as a result of the conduct set out in the Findings of Fact and to address any recommendations resulting from the evaluation, including, but not limited to:

1. Psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designee, to address specific treatment goals, with quarterly reports to the Board by the therapist.
2. Additional professional education in any identified areas of deficiency.
3. Restrictions on the nature of practice, practice setting, or requirements for supervision of practice by a professional approved by the Board, with periodic reports to the Board by the supervisor.

vii. Respondent is responsible for ensuring that the results of the evaluation are sent to the Department Monitor at the address below.

viii. Respondent shall report to the Board any change in employment status, residence, address, or telephone number within five (5) days of the date of the change. This report shall not be considered formal change of address notification pursuant to Wis. Stat. § 440.11.

4. Respondent's license to practice medicine and surgery (license no. 45241-20) is further LIMITED as follows:

- a. Respondent shall provide a copy of this Order, and any subsequent order modifying this original Order, immediately to supervisory personnel at all settings where Respondent works as a physician currently or in the future. Within fourteen (14) days from the date of this Order, including any subsequent order modifying this original Order, Respondent shall provide the Department Monitor with written acknowledgement from supervisory personnel and/or his employer that a copy of this Order, and any subsequent order modifying this original Order, have been received and that the restrictions will be accommodated. This limitation is intended to apply to both employment and independent contractor relationships where Respondent performs services as a physician.
- b. Respondent shall report to the Board any change of employment status, residence, mailing address, email address, or telephone number within five (5) days of the date of a change. This report

shall not be considered formal change of address notification pursuant to Wis. Stat. § 440.11.

5. Respondent's license to practice medicine and surgery (license number 45241-20) is further LIMITED as follows:

- a. Within six (6) months of the date of this Order, Respondent shall at his own expense, successfully complete four (4) hours of education on the topic of patient safety, four (4) hours of education on the topic of conflict de-escalation, and four (4) hours of education on the topic of professional interactions.
  - i. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Respondent 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. Respondent must take and pass any exam offered for the course(s).
  - ii. Respondent 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 and may not be used in any future attempt to upgrade a credential.
  - iii. 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.

6. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1900.00.

7. Any requests, petitions, payment of costs (made payable to the Department of Safety and Professional Services), and other information required by this Order shall be submitted 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) 266-2112; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

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

8. In the event Respondent violates any term of this Order, Respondent's license (no. 45241-20), 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.

9. 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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JOSEPH D. SPENNETTA, M.D.,  
RESPONDENT.

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STIPULATION

**ORDER 0007554**

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Division of Legal Services and Compliance Case No. 20 MED 385

Joseph D. Spennetta, M.D., (Respondent) 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. Respondent is represented by Attorney Mario Mendoza.
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.

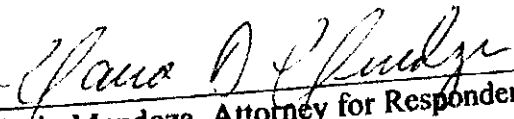
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's 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. 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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Joseph D. Spennetta, M.D., Respondent  
Middleton, WI 53562  
License No. 45241-20

07/29/2021  
Date

  
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Mario Mendoza, Attorney for Respondent  
Murphy Desmond  
33 E. Main St., Ste 500  
Madison, WI 53701

7-27-2021  
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

7/27/2021  
Date