

## 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

JOHN N. GIETZEN, JR., D.O.,  
RESPONDENT.

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:  
: FINAL DECISION AND ORDER  
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**ORDER 0007693**

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Division of Legal Services and Compliance Case No. 20 MED 370

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

John N. Gietzen, Jr., D.O.  
Yuma, AZ 85364

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. John N. Gietzen, Jr., D.O. (Respondent), (Year of Birth 1954) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 73727-21, first issued on July 16, 2020, and with registration current through October 31, 2021. Respondent timely applied for renewal of his registration; however, the Board has not yet acted on the application for renewal of his registration.<sup>1</sup> Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Yuma, Arizona 85364.

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<sup>1</sup> Per Wis. Stat. § 227.51(2), Respondent's license and registration remain active since Respondent timely applied for renewal of his registration.

2. On January 10, 2020, Respondent submitted an application for a license to practice medicine and surgery in Wisconsin. On his application, Respondent checked the “No” box to the question whether any disciplinary action was pending against Respondent in any jurisdiction.

3. The online application completed by Respondent required Respondent to acknowledge and affirm that he understood he had a continuing duty of disclosure during the application process. This duty required Respondent to advise the Department if any information he provided in his application became invalid, incorrect, or outdated. Respondent checked a box that he understood this requirement.

4. On July 16, 2020, Respondent was granted a Wisconsin license to practice medicine and surgery.

5. In July 2017, the Arizona Board of Osteopathic Examiners in Medicine and Surgery (Arizona Board) began investigating Respondent concerning potential unprofessional conduct involving his Arizona license to practice medicine and surgery. The Arizona Board sent Respondent Notices of Investigative Hearings in August 2018, February 2019, and January 2020. Such investigation was ongoing when Respondent applied for licensure in Wisconsin in January 2020.

6. On August 10, 2020, the Arizona Board disciplined Respondent and placed conditions on his license (AZ Order). The AZ Order found that Respondent committed unprofessional conduct by inappropriately and excessively prescribing controlled substances to patients. Respondent was issued a public warning, required to complete 54 hours of continuing education, and ordered to pay a \$1,500.00 civil penalty.

7. Respondent did not report the Arizona Board’s disciplinary action to the Board.

8. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The 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 by knowingly engaging in fraud or misrepresentation or dishonesty in applying for, or procuring a medical license, by examination for a medical license, or in connection with applying for or procuring periodic renewal of a medical license, or in otherwise maintaining such licensure within the meaning of Wis. Admin. Code § Med 10.03(1)(b).

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct by failing, within 30 days, to report to the Board any final adverse action taken against the licensee's authority to practice medicine and surgery by another licensing jurisdiction concerned with the practice of medicine and surgery within the meaning of Wis. Admin. Code § Med 10.03(3)(a).

4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct by having any credential pertaining to the practice of medicine and surgery or any act constituting the practice of medicine and surgery become subject to adverse determination by any agency of this or another state, or by any federal agency or authority within the meaning of Wis. Admin. Code § Med 10.03(3)(c).

5. 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. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$745.00.

4. Any requests, petitions, payments of costs (made payable to 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

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

5. In the event Respondent violates any term of this Order, Respondent's license and registration (73727-21), or Respondent's right to renew his license and registration, 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.

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

WISCONSIN MEDICAL EXAMINING BOARD

By:   
A Member of the Board

Date 17 November 2021

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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JOHN N. GIETZEN, JR., D.O.,  
RESPONDENT.

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STIPULATION

**ORDER 0007693**

Division of Legal Services and Compliance Case No. 20 MED 370

John N. Gietzen, Jr., D.O. (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.

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.



John N. Gietzen, Jr., D.O., Respondent  
Yuma, AZ 85364  
License No. 73727-21

10/14/21  
Date



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

10/15/2021  
Date

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