

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOSEPH A. LOCKE, D.O.,
RESPONDENT.

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:
: FINAL DECISION AND ORDER

:
:
: **ORDER 0007750**

Division of Legal Services and Compliance Case No. 21 MED 054

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

Joseph A. Locke, D.O.
Wadsworth, IL 60083

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 A. Locke, D.O. (Respondent), (Year of Birth 1974) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 53594-21, first issued on September 21, 2009, and with registration current through October 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Wadsworth, Illinois 60083.

2. At all times relevant to this proceeding, Respondent was the owner of a pain management and addiction clinic in Wauwatosa, Wisconsin (Facility).

3. Respondent treated Patient A (female born in 1992) at the Facility from May 9, 2017, to May 14, 2018, for opioid dependence, and prescribed suboxone to Patient A. Patient A

was also diagnosed with ADD and anxiety. Respondent did not discharge Patient A from treatment, rather Patient A stopped attending her appointments with Respondent prior to completing her treatment.

4. Patient A continued opioid treatment with another provider, including prescriptions for buprenorphine, through at least July 2019.

5. Respondent admits that in early 2019, he entered into a sexual relationship with Patient A which lasted approximately three months. Respondent understood Patient A to be “in recovery” for opioid dependence at the time they began a sexual relationship.

6. Patient A became pregnant, and gave birth on March 1, 2020.

7. Around the time Patient A gave birth, Respondent and Patient A briefly renewed their relationship. Respondent ended the relationship after the baby tested positive for methadone at birth.

8. In August 2020, the baby (Baby E.L.) was taken to a hospital for possible methadone withdrawal. Baby E.L. tested positive for methadone. The Hartford Police Department conducted an investigation which uncovered texts between Respondent and Patient A appearing to discuss how to administer methadone to Baby E.L. in order to wean the baby from methadone.

9. Respondent did not document his actions in paragraph 8 in any patient records belonging to Baby E.L.

10. Respondent denies the text discussion was intended to instruct Patient A how to administer methadone to Baby E.L. in order to wean Baby E.L. from methadone. Respondent maintains that he consistently advised Patient A to seek advice from Baby E.L.’s pediatrician.

11. On February 8, 2021, Respondent was adjudicated as Baby E.L.’s father in Milwaukee County Circuit Court Case No. 2020PA002010PJ.

12. 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 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)(f) by engaging in

sexually explicit conduct, sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient, a patient's immediate family, or a person responsible for the patient's welfare. For the purpose of this paragraph, an adult receiving treatment shall be considered a patient for two (2) years after the termination of professional services.

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. The medicine and surgery license issued to Respondent (license no. 53594-21), is **SUSPENDED** for a period of twelve (12) months, beginning four (4) weeks from the date of this Order.
3. Respondent shall serve the first six (6) months of his suspension. The remaining six months shall be stayed.
4. The medicine and surgery license issued to Respondent (license no. 53594-21), is **LIMITED** as follows:
 - a. Within six (6) months from the date of this Order, Respondent shall at his own expense take and successfully complete the *Medical Ethics, Boundaries, and Professionalism* course offered by Case Western Reserve University School of Medicine for a total of 15.75 AMA PRA Category 1 Credits.
 - b. 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. 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.
5. Within ninety (90) days from the date of this Order, Respondent shall pay **COSTS** of this matter in the amount of \$1,188.00.
6. 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>

7. In the event Respondent violates any term of this Order, Respondent's license (no. 53594-21) 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.

8. 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 15 December 2021

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOSEPH A. LOCKE, D.O.,
RESPONDENT.

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STIPULATION
ORDER 0007750

Division of Legal Services and Compliance Case No. 21 MED 054

Joseph A. Locke, 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. Respondent is represented by Attorney Patrick Knight.

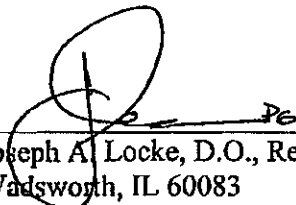
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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

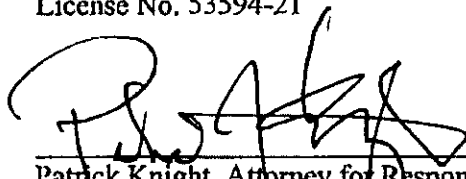
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Joseph A. Locke, D.O., Respondent
Wadsworth, IL 60083
License No. 53594-21

11/30/21


Date



Patrick Knight, Attorney for Respondent
Gimbel, Reilly, Guerin & Brown, L.L.P.
330 E. Kilbourn Ave., Suite 1170
Milwaukee, WI 53202

11/30/21

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

12/2/21

Date