

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF	:	
	:	
	:	FINAL DECISION AND ORDER
	:	FOR REMEDIAL EDUCATION
JAVIER E. FONT, P.A.,	:	
LICENSEE.	:	ORDER 0007751

Division of Legal Services and Compliance Case No. 21 MED 181

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

Javier E. Font, P.A.
Cottage Grove, WI 53527

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 Javier E. Font, P.A., (Year of Birth 1963) is licensed in the state of Wisconsin as a physician assistant, having license number 4838-23, first issued on August 1, 2019, with registration current through February 28, 2022. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Cottage Grove, Wisconsin 53527.

2. At all times relevant to this matter, Licensee was employed as a physician assistant at a hospital emergency department in Columbia, Wisconsin (Facility).

3. On May 6, 2021, the Department received a complaint alleging that Licensee had inappropriately touched a female patient. The Division of Legal Services and Compliance (DLSC) opened case number 21 MED 181 to investigate the allegation.

4. DLSC learned during the course of its investigation that the Facility was unable to substantiate two prior allegations that Licensee made inappropriate contact with female patients (a 74-year-old female patient in October of 2020, and a 39-year-old female patient in February of 2021).

5. In March of 2021, the Facility recommended education for Licensee on the topics of boundaries, defusing situations, and avoiding “putting yourself in compromising situations,” and assigned him a chaperone. Licensee states that he subsequently changed his approach and explains and demonstrates everything to a patient before he conducts an exam.

6. On April 14, 2021, Licensee provided care and treatment to a 19-year-old female patient (Patient A) that presented with dystonia and shaking. Patient A alleged that during the examination, Licensee rubbed her knees and lower thighs, moving up to her upper inner thighs, he gave her his phone number and told her to text or call for anything, including “to flirt,” told her they had a “special connection,” rubbed her back and shoulders while making long eye contact with her, and went under her shirt to listen to her lungs and heart while his arm was resting on her left breast.

7. Licensee admitted to holding Patient A’s hands to test for strength and bilateral movement and did the same with her kneecaps and thighs. He denies that he rubbed Patient A’s thighs beyond the scope of treatment and that he only provided her with the Facility’s phone number. Licensee explained that to check her heart, he pulled Patient A’s shirt forward and reached underneath with two fingers and his stethoscope to place it on her upper chest, per normal procedure.

8. Licensee denies any inappropriate contact with Patient A. He states that he has an empathic and caring approach which may have been misconstrued by Patient A.

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 (6) months of the date of this Order, Licensee shall at his own expense take and successfully complete the *Medical Ethics, Boundaries, and Professionalism* course offered by the Case Western Reserve University School of Medicine for a total of 15.75 AMA

PRA Category 1 Credits, or an equivalent course that has been pre-approved by the Board or its designee as follows:

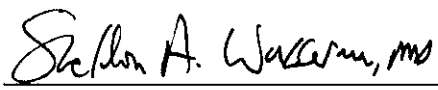
- a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course(s) from the Board or its designee. Licensee must take and pass 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 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
DSPSMonitoring@wisconsin.gov

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

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

WISCONSIN MEDICAL EXAMINING BOARD

By: 
A Member of the Board

15 December 2021
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF

JAVIER E. FONT, P.A.,
LICENSEE.

:
:
:
:

STIPULATION

ORDER 0007751

Division of Legal Services and Compliance Case No. 21 MED 181

Licensee Javier E. Font, P.A., 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.

4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order for Remedial Education 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.

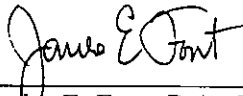
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not

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 for Remedial Education.

7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education 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 for Remedial Education.



Javier E. Font

Javier E. Font, P.A., Licensee
Cottage Grove, WI 53527
License No. 4838-23

November 7th, 2021

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

11/11/2021

Date