

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 :
: FINAL DECISION AND ORDER
JAMES R. MATEER, M.D., :
RESPONDENT. : **ORDER 0008119**

Division of Legal Services and Compliance Case No. 21 MED 452

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

James R. Mateer, M.D.
Delafield, WI 53018

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-f8366

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. James R. Mateer, M.D. (Respondent), (Year of Birth 1955), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 24211-20, first issued on October 23, 1981, 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 Delafield, Wisconsin 53018.

2. Respondent practices emergency medicine in Waukesha, Wisconsin.

3. On January 6, 2021, Respondent evaluated Patient A in his home office and prescribed Ivermectin as a "prophylactic treatment" to reduce Patient A's chances of a COVID-19 infection and/or to reduce the severity of a COVID-19 infection.

4. On August 18, 2021, Respondent spoke with Patient B by telephone and prescribed Ivermectin due to Patient B's possible exposure to COVID-19. Respondent noted in Patient B's medical record that Patient B "has some mild symptoms that are not yet confirmed by testing." Respondent did not note what the mild symptoms were.

5. On September 26, 2021, Respondent spoke with Patient C by telephone and prescribed Ivermectin as Patient C told Respondent that he had a positive home test for COVID-19. Respondent noted in Patient C's medical record that Patient C "describes the typical symptoms c/w early Covid-19." Respondent did not note what the typical symptoms were.

6. On October 7, 2021, Respondent spoke with Patient D by telephone and prescribed Ivermectin as Patient D told Respondent that she had a positive home test for COVID-19. Respondent noted in Patient D's medical record that Patient D "describes the typical signs and symptoms c/w early Covid-19." Respondent did not note what the typical signs and symptoms were.

7. On October 10, 2021, Respondent spoke with Patient D by telephone as Patient D "called about increasing cough, O2sat is OK." Respondent prescribed "budesonide 0.5 mg/2ml for nebulizer". Respondent did not see Patient D in person nor did Respondent document that he referred Patient D to her primary care physician (PCP) for follow up treatment.

8. Patients A, B, C, and D are Respondent's family members.

9. Respondent noted in all four patients' records that the patient's history was well known to Respondent with no changes, without further detail.

10. Respondent did not perform physical exams for Patients B, C, and D.

11. Respondent's patient notes for Patients A, B, C, and D contain significant duplicative language.

12. Respondent was not the PCP for Patients A, B, C, and D, nor did he have a formal patient-physician relationship with them prior to 2021. Respondent did not document whether the patients' PCPs were available to treat or counsel them in regard to COVID-19 prior to contacting Respondent.

13. Aside from the dates of treatment identified above, Respondent did not generate or maintain patient records for Patients A, B, C, or D.

14. Respondent does not admit that he engaged in any violation related to his license to practice medicine and surgery. However, in the interests of resolving this matter without further litigation, 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 committed unprofessional conduct by 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 within the meaning of Wis. Admin. Code § Med 10.03(2)(b).

3. By the conduct described in the Findings of Fact, Respondent committed unprofessional conduct by failing to establish and maintain timely patient health care records, including records of prescription orders, under Wis. Admin. Code § Med 21.03, or as otherwise required by law, within the meaning of Wis. Admin. Code § Med 10.03(3)(e).

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 and registration to practice medicine and surgery in the state of Wisconsin (license no. 24211-20), is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall at his own expense, successfully complete three (3) hours of education on the topic of establishing and maintaining appropriate patient records, offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
 - 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 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 also may not be used in future attempts to upgrade a credential in Wisconsin.
 - c. 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.
 - d. This limitation shall be removed from Respondent's license and registration after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.
4. Within six (6) months from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,273.00.

5. 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
DPSMonitoring@wisconsin.gov

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

6. In the event Respondent violates any term of this Order, Respondent's license and registration (no. 24211-20), 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.

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

WISCONSIN MEDICAL EXAMINING BOARD

By: Stephan A. Wasserman, MD
A Member of the Board

8/17/2022
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES R. MATEER, M.D.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008119

Division of Legal Services and Compliance Case No. 21 MED 452

James R. Mateer, 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 Mark Larson.

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

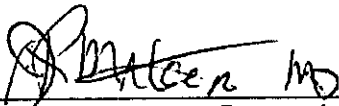
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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



James R. Mateer, M.D., Respondent
Delafield, WI 53018
License No. 24211-20

8/1/2022

Date



Mark Larson, Attorney for Respondent
Gutglass Erickson Larson and Schneider, SC
735 N Water St, Ste 1400
Milwaukee, WI 53202

8/2/2022

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

August 2, 2022

Date