

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

STEVEN G. MERESS, M.D.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0008307

Division of Legal Services and Compliance Case No. 19 MED 300

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

Steven G. Meress, M.D.
Fond du Lac, WI 54935

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

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint on August 23, 2022 with the Wisconsin Department of Administration, Division of Hearings and Appeals (DHA) in DHA Case Number SPS-22-0051. Prior to the hearing on the Complaint, the parties in this matter agreed 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. Respondent Steven G. Meress, M.D., (Year of Birth 1953) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 28559-20, first issued on July 1, 1987, 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 Fond du Lac, Wisconsin 54935.

2. At all times relevant to this proceeding, Respondent practiced as a physician at Fox Valley Wellness Center in Fond du Lac, Wisconsin (Clinic) where he was the sole owner.

Prior Discipline

3. On November 18, 2015, the Board issued Order No. 0004393 limiting Respondent's license to practice medicine and surgery in Wisconsin (Board Order).

4. The Board Order found the following facts, *inter alia*,

- a. On multiple occasions between 2010 and 2012, Respondent diagnosed a number of patients with "Lyme borreliosis complex" based on their symptoms and treated them with antibiotics administered in excess of recommended duration.
- b. Respondent failed to adequately document informed consent for the treatment modality in the patients' health care records.
- c. Respondent agrees to offer to treat or treat "persistent Lyme disease" (including any condition so similar as to be a surrogate diagnosis), only if the patient signs a form entitled "REQUIRED DISCLOSURE AND CONSENT FOR DIAGNOSIS AND TREATMENT OF PERSISTENT LYME DISEASE," which has been pre-approved by the Board or its designee.
- d. Respondent agrees not to attempt in any way to defeat or minimize the message of the approved disclosure form with other documents or oral statements.
- e. Respondent will comply with all applicable provisions of Wis. Adm. Code, Chapter Med regarding informed consent and patient health care records, and will preserve the form in the patient's chart, and give a copy to the patient at the time of signing.

5. The Board Order required Respondent to complete six hours of education on obtaining and documenting informed consent.

6. Respondent stipulated to the terms of the Board Order by executing his signature on October 30, 2015.

7. On January 20, 2016, the Board restored Respondent's license to full unrestricted status as Respondent had completed the education required by the Board Order.

Current Case

8. On October 11, 2018, Respondent evaluated Patient A (female born in 1966) and charted, in part, that she presented for evaluation of multiple concerns including tick-borne disease dating back to when Patient A was ten years old.

9. On October 11, 2018, Respondent diagnosed Patient A with “tick borne disease.”

10. Between October 11, 2018 and December 16, 2019, Respondent provided care and treatment to Patient A, which included treatment for persistent Lyme disease/tick borne disease.

11. Respondent’s health care record for Patient A does not contain an informed consent form signed by Patient A consenting to treatment by Respondent for Lyme disease.

12. Respondent states that his office routinely gave patients, including Patient A, the required informed consent form but agrees that Respondent’s health care record for Patient A does not contain a form entitled “REQUIRED DISCLOSURE AND CONSENT FOR DIAGNOSIS AND TREATMENT OF PERSISTENT LYME DISEASE” that was preapproved by the Board or its designee, as required by Board Order.

13. Subsequent to his care and treatment of Patient A, Respondent sold the Clinic to Forum Health and an electronic patient health care records system was implemented. Respondent has represented to the Board that he intends to retire from active clinical practice at Forum Health on or about October 31, 2023.

14. 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. Based on the Findings of Fact, Respondent engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.03(1)(a) by violating or attempting to violate ch. 448, Stats., or any provision, condition, or term of a valid rule or order of the Board.

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

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. 28559-20), is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at their own expense, successfully complete three (3) hours of education on the topic of patient health care documentation 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 ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$15,231.00.

5. Any requests, petitions, reports and other documentation required by the Order, and payments of costs (made payable to Department of Safety and Professional Services), 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://dspsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license and registration (number 28559-20), or Respondent's right to renew his license and registration, may, in the discretion of the Board or its designee, be further SUSPENDED or limited, 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: Stephen A. Wasserman, MD
A Member of the Board

12/21/22
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

STEVEN G. MERESS, M.D.,
RESPONDENT.

STIPULATION

ORDER 0008307

Division of Legal Services and Compliance Case No. 19 MED 300

Respondent Steven G. Meress, M.D., 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 and commencement of a proceeding before the Department of Administration, Division of Hearings and Appeals, by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation and proceeding 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 Randall Guse.

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.

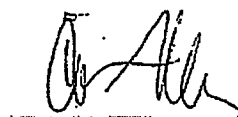
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Steven C. Meress, M.D., Respondent
Fond du Lac, WI 54935
License No: 28559-30


Date


Randall Guse, Attorney for Respondent
Otjen Law Firm, S.C.
20935 Swenson Dr., Ste 310
Waukesha, WI 53186


Date


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

12/6/22
Date