

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PHYSICIAN ASSISTANT AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
SAMUEL D. BRAUER, PA-C,	:	
RESPONDENT.	:	ORDER 0008561

Division of Legal Services and Compliance Case No. 21 PAB 005

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

Samuel D. Brauer, PA-C
Decorah, IA 52101

Wisconsin Physician Assistant Affiliated Credentialing 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 Physician Assistant Affiliated Credentialing 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. Samuel D. Brauer, PA-C (Respondent), (Year of Birth 1979) is licensed in the state of Wisconsin as a physician assistant, having license number 5381-23, first issued on March 1, 2021, and current through February 29, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Decorah, Iowa 52101.

2. At all times relevant to this proceeding, Respondent was also licensed as a physician assistant in Iowa, and was employed as a physician assistant at a facility in West Union, Iowa (Facility).

3. On August 21, 2020, the Facility terminated Respondent's employment for engaging in a sexual relationship with a nurse (Nurse A) who was also an established patient of Respondent, in violation of Iowa Code 2020, Section 709.15.

4. In October 2020, Respondent submitted an application for licensure as a physician assistant to the Department. Respondent replied "NO" to the following questions in the application for licensure:

- a. "Has any licensing or other credentialing agency ever taken any disciplinary action against you, including but not limited to any warning, reprimand, suspension, probation, limitation, or revocation?"
- b. "Is disciplinary action pending against you in any jurisdiction?"

5. The application for licensure also contained a statement that Respondent has a continuing duty of disclosure during the application process if information provided in the application becomes invalid, incorrect or outdated.

6. On February 19, 2021, the Iowa Board of Physician Assistants (IA Board) interviewed Respondent regarding his relationship with Nurse A. The interview was part of the IA Board's investigation into whether Respondent committed any violations concerning his physician assistant license in Iowa, and if yes, whether Respondent and/or his license should be disciplined. Respondent admitted that he filled several prescriptions for Nurse A prior to beginning a romantic relationship with Nurse A, the last prescription occurring on June 18, 2020. The June 18 prescription was for Lorazepam. Respondent asserted that he did not fill any prescriptions for Nurse A after the start of their relationship, which began during the latter half of June 2020. On July 22, 2021, the IA Board issued Respondent a letter of warning.

7. Prior to receiving his Wisconsin license to practice as a physician assistant on March 1, 2021, Respondent did not alert the Department to the IA Board pending disciplinary action. Neither the Department nor the Board were aware of Respondent's termination from the Facility including the reasons therefor.

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 knowingly engaged in fraud or misrepresentation or dishonesty in applying, for or procuring a physician assistant license, or in connection with applying for or procuring periodic renewal of a physician assistant.

license, or in otherwise maintaining such licensure within the meaning of Wis. Admin. Codes §§ Med 10.03(1) (b) and PA 4.01(1)(c).¹

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3) and Wis. Admin. Codes §§ Med 10.03 and PA 4.01.

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Respondent's license to practice as a physician assistant in the state of Wisconsin (license number 5381-23), is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at his own expense, successfully complete twelve (12) hours of education on the topic of ethics and patient boundaries offered by a provider pre-approved by the Board 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 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 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 \$1,404.00.

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:

¹ The Wisconsin Physician Assistant Affiliated Credentialing Board was created and took effect on March 28, 2021. Prior to that time, the Wisconsin Medical Examining Board regulated physician assistants in Wisconsin. At the time Respondent's actions occurred, which are the subject of this order, the applicable code violations were under Wis. Admin. Code ch. Med 10, but this decision also cites to Wis. Admin. Code ch. PA 4 for ease of reference. Furthermore, although the citations changed from Med to PA, the actual code language essentially remained the same.

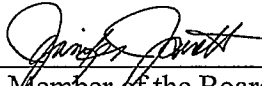
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

6. In the event Respondent violates any term of this Order, Respondent's license (number 5381-23), or Respondent's right to renew his license, 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 PHYSICIAN ASSISTANT AFFILIATED CREDENTIALING BOARD

By: 
A Member of the Board

5/18/2023
Date

STATE OF WISCONSIN
BEFORE THE PHYSICIAN ASSISTANT AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SAMUEL D. BRAUER, PA-C,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 000856 1

Division of Legal Services and Compliance Case No. 21 PAB 005

Samuel D. Brauer, PA-C (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 Physician Assistant Affiliated Credentialing 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

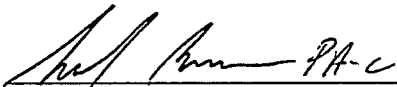
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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. 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.


Samuel D. Brauer, PA-C, Respondent
Decorah, IA 52101
License No. 5381-23

4-20-2023
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

4/20/23
Date