

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE LICENSE OF	:	
	:	FINAL DECISION AND ORDER
	:	FOR REMEDIAL EDUCATION
DONNA M. LUCHETTA, M.D.,	:	
LICENSEE.	:	
	:	<b>ORDER 0008700</b>

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Division of Legal Services and Compliance Case No. 21 MED 309

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

Donna M. Luchetta, M.D.  
Lake in the Hills, IL 60156

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 Donna M. Luchetta, M.D., (Year of Birth 1960) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 66939-20, first issued on February 20, 2017 with registration current through October 31, 2023. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Lake in the Hills, Illinois 60156.

2. At all times relevant to this proceeding, Licensee practiced as a psychiatrist at a government facility located in Milwaukee, Wisconsin (Facility).

3. Division of Legal Services and Compliance Case No. 21 MED 309 was commenced to investigate a report that Licensee voluntarily surrendered clinical privileges and agreed to take a voluntary leave of absence from the Facility for a minimum of six weeks.

4. On June 11, 2021, the Facility imposed the following restrictions before Licensee could return to the medical staff following the leave of absence:

- a. that Licensee undergo neuro-cognitive testing; and
- b. that Licensee submit statements from Licensee's treating physicians confirming she does not have any physical deficits that would impact her ability to practice and that she was cognitively safe to practice as a psychiatrist including performance of patient assessments, diagnosis, treatment, and medication management.

5. On August 11, 2021, Licensee underwent a neurological evaluation, which found a normal cognitive profile. The reviewer concluded:

*Overall, the results of this evaluation do not provide any indication that she would be unable to perform the duties of her occupation safely including performance of patient assessments, diagnosis, treatment, and/or medication management.*

6. The Facility also reviewed eight of Licensee's patient charts. While the Facility found Licensee's clinical care appropriate, documentation deficiencies were noted which included failure to adequately document medical decision-making and explain treatment and medication plans of care.

7. 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 her own expense take and successfully complete ten (10) hours of education in appropriate documentation of psychiatric patient care 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://dpsmonitoring.wi.gov>.

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

WISCONSIN MEDICAL EXAMINING BOARD

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

8/16/2023  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE LICENSE OF :

DONNA M. LUCHETTA, M.D., :  
LICENSEE. :

STIPULATION

WT 20008700

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Division of Legal Services and Compliance Case No. 21 MED 309

Licensee Donna M. Luchetta, 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 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. Licensee is represented by Attorney Paul Erickson.

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 or Licensee'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 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. Licensee is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education 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 Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.



Donna M. Luchetta, M.D., Licensee  
Lake in the Hills, IL 60156  
License No. 66939-20

7-7-23  
Date



Paul Erickson, Attorney for Licensee  
Gutglass, Erickson, Larson & Schneider, S.C.  
735 N. Water St., Suite 1400  
Milwaukee, WI 53202

7-10-23  
Date



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

July 25, 2023  
Date