

From: Garrett, Jennifer E - DSPS <jennifer.garrett@wisconsin.gov>
Sent: Monday, December 5, 2022 1:14 PM
To:
Cc: Cieslewicz, Greg - DSPS <greg.cieslewicz@wisconsin.gov>
Subject: question response

Dear Mr. :

As you are aware, the Medical Examining Board Screening Panel (Panel), staffed by Department legal counsel, re-reviewed the allegations set forth in the complaint filed by Mr. Schara. The re-review was completed on October 4, 2022.

After careful consideration, the Panel reaffirmed their decision to close the complaint without further action.

Among the allegations that the Panel reconsidered and thoroughly discussed was the allegation that the attending physician violated Wis. Stat. § 154.19. The purpose of a written DNR as outlined in chapter 154 of the Wisconsin Statutes, Advance Directives, is to direct care provided in emergency department and out-of-hospital emergency settings so that the medical care provided in those settings is consistent with a patient's wishes and an attending physician's authorization. They are sometimes referred to as "community" DNRs, which is reflective of their purposes.

Chapter 154 of the Wisconsin Statutes does not apply to physicians operating in a hospital, non-emergency room setting such as the one in question. The exercise of judgment by a physician working in a non-emergency hospital setting is informed by many variables, including but not limited to patient prognosis, expected medical benefit of the considered care, and patient and family wishes expressed contemporaneously through a living will, or through a health care power of attorney agent empowered to make decisions on behalf of a patient.

While the decision of the Panel does not likely provide any comfort to the grieving family, the allegations were thoroughly considered on multiple occasions by members of the Medical Examining Board and the Department. Again, the Medical Examining Board and Department offer our condolences to the family.



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