

**BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE**

In the Matter of
the Medical License of
Walter J. Berger, M.D.
Year of Birth: 1952
License Number: 47,619

**STIPULATION AND ORDER
FOR VOLUNTARY SURRENDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Walter Jesse Berger, M.D. ("Respondent"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Medical Practice ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota.

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Although aware of this opportunity, Respondent has knowingly waived the right to be represented by counsel. The Committee was represented by Keriann L. Riehle, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101, (651) 757-1449.

FACTS

3. For the purpose of this stipulation, the Board may consider the following facts as true:

a. Respondent was licensed by the Board to practice medicine and surgery in the State of Minnesota on July 9, 2005.

b. In June 2017, the Board received a report that Respondent failed to meet the generally-accepted standards of clinical practice raising reasonable concern for the safety of patients. Specifically, the report alleged Respondent failed to initiate or complete a significant number of patient notes. Respondent elected to retire while under administrative investigation for the concerns.

c. In July 2017, the Board received Respondent's written response to the June 2017 report. Respondent stated he elected to retire in June 2017 when he had significantly fallen behind in maintaining patient records. Respondent further stated health concerns led to absences from work which contributed to him being more than 50 patient charts behind for several months.

d. On April 30, 2018, Respondent failed to renew his license to practice medicine and surgery in the State of Minnesota.

e. In August and September 2019, the Board served Respondent at two separate addresses with a Notice of Conference to meet with the Committee.

f. On September 19, 2019, Respondent did not attend the meeting with the Committee or communicate with the Board about attending the meeting.

STATUTES

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1 (o) (improper management of medical records, including failure to maintain adequate medical records) and (u) (failure to cooperate with an investigation by the Board as required) (2018). Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify disciplinary action under these statutes.

REMEDY

5. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order as follows:

a. Respondent shall **VOLUNTARILY SURRENDER** his license to practice medicine and surgery in the State of Minnesota.

b. Upon Respondent's surrender of his license to practice medicine and surgery in Minnesota, the Board agrees to close its files in this matter.

c. Should Respondent seek re-licensure in Minnesota, the Board may reopen its investigation.

6. Respondent is aware that this Stipulation and Order will be disseminated to all states. Upon request, the Board may share its investigative data with the requesting state.

7. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.

8. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

9. Respondent hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation.

Dated: 4/7/2021

Dated: 5/7/21

Walter Berger MD
WALTER J. BERGER, M.D.
Respondent

Shirley Wilkin
FOR THE COMMITTEE

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Board this 8th day of May, 2021.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: Paul Martin