

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

NORTON L. ZAREM, M.D. :
RESPONDENT. :

Case No. LS 981216/2 MED

FINAL DECISION AND ORDER

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Norton L. Zarem, M.D.
312 E. Wisconsin Ave., Ste 310
Milwaukee, WI 53202

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Medical Examining 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

1. Norton L. Zarem, M.D., Respondent, date of birth January 3, 1937, is currently licensed and registered by the Wisconsin Medical Examining Board as a physician in the state of Wisconsin pursuant to license number 14420, which was first granted August 16, 1962.
2. Respondent's last address reported to the Department of Regulation and Licensing is 312 E. Wisconsin Ave., Ste 310, Milwaukee, WI 53202.
3. Respondent specializes in psychiatry and during the time of the events set out below practiced at Psychiatric Associates in Milwaukee, Wisconsin.

4. From approximately 1977 to 1981, Respondent provided psychiatric treatment to Patient One for personal difficulties and panic attacks. During the course of therapy, Respondent also addressed issues relating to Patient One's marital relationship with her husband.

5. During the course of Patient One's therapy, Respondent asked Patient One about aspects of her sexual relationship with her husband, including: how often she and her husband had sex, what specific sex acts she and her husband engaged in, and whether there were areas with which she felt dissatisfied.

6. During the course of Patient One's therapy, Respondent began to talk about his personal life, including his relationship with his wife.

7. Patient One felt skinny and unattractive and during therapy told Respondent of those feelings. Respondent told Patient One that he was attracted to skinny women and that Respondent fantasized about Patient One.

8. On one occasion, when Patient One came to Respondent's office for her morning appointment, Patient One brought a bottle of champagne. After the session, Patient One and Respondent sat on the floor of Respondent's office and drank the champagne while Respondent held Patient One.

9. One week after Patient One terminated therapy with Respondent, Respondent took Patient One to lunch. After that incident, Respondent and Patient One met for breakfast or lunch approximately twelve times. One of the breakfasts took place at a colleague's apartment, when no one was present other than Respondent and Patient One.

10. Respondent's conduct, as set out above, fell below the minimal standards of the psychiatric profession required to maintain appropriate psychiatrist-patient boundaries.

11. On October 6, 1998, at the recommendation of the Division of Enforcement, Respondent took and completed "Professionals at Risk: Boundaries in Human Services" a full day program, addressing the realities of maintaining professional boundaries and an approach to risk management, which was sponsored by the University of Wisconsin-Madison, Division of Continuing Studies Professional Development and Applied Studies.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction over this matter pursuant to §448.02(3), Stats.

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5) Stats.

3. The Respondent's conduct, as described above, constitutes unprofessional conduct as defined by Wis. Adm. Code § MED 10.02(h) and § 448.02(3), Stats.

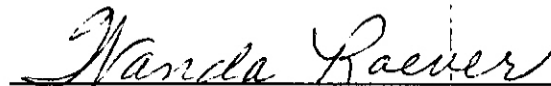
ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. Respondent, Norton L. Zarem, M.D., is hereby REPRIMANDED for the conduct set out above.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 16th day of December, 1998.



Wanda Roever
Secretary
Medical Examining Board

STATE OF WISCONSIN
BEFORE THE WISCONSIN MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

NORTON L. ZAREM, M.D.
RESPONDENT.

Case No. LS 9812162MED

STIPULATION

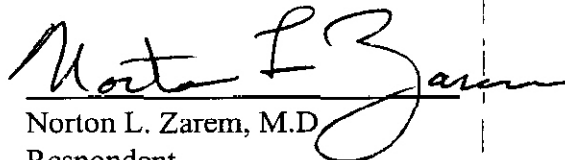
It is hereby stipulated and agreed, by and between Norton L. Zarem, M.D., Respondent; and John R. Zwieg, as attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of pending investigation of Respondent by the Department of Regulation and Licensing, Division of Enforcement on behalf of the Medical Examining Board (file 94 MED 333).
2. Respondent understands that by the signing of this stipulation Respondent voluntarily and knowingly waives Respondent's rights, including: 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; 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, and the Wisconsin Administrative Code.
3. Respondent is aware of his right to seek legal representation prior to signing this stipulation.
4. Respondent neither admits nor denies the allegations in this matter, but agrees to the adoption of the attached Final Decision and Order by the 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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.

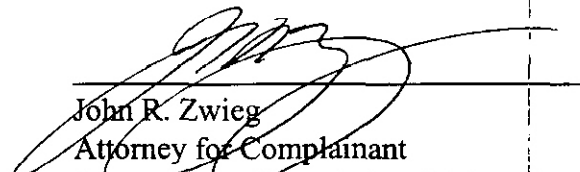
6. The parties to this stipulation agree that the Respondent, Respondent's attorney, an attorney for the Division of Enforcement, and the member of the Board who has been appointed as the investigative advisor may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The parties agree to waive the costs of this proceeding.

Dated this 30th day of November, 1998.


Norton L. Zarem, M.D.
Respondent

Dated this 9th day of November, 1998.


John R. Zwieg
Attorney for Complainant
Department of Regulation & Licensing
Division of Enforcement

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BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

NORTON L. ZAREM, M.D.,
RESPONDENT.

AFFIDAVIT OF MAILING


Pamela A. Haack, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on December 18, 1998, she served the following upon the respondent:

Final Decision and Order dated December 16, 1998, LS9812162MED

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail, with a return receipt requested in an envelope properly addressed to the above-named respondent at:

312 E Wisconsin Avenue
Suite 310
Milwaukee, WI 53202
Certified Z 233 821 144

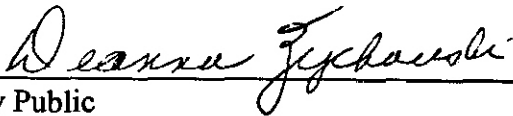
an address that appears in the files and records of the Medical Examining Board as the respondent's last known address.



Pamela A. Haack
Department of Regulation and Licensing

Subscribed and sworn to before me

this 21st day of December, 1998.



Notary Public

Dane County, Wisconsin

My Commission is ~~Permanent~~ expires 8-27-2000

NOTICE OF RIGHTS OF APPEAL

TO: Norton L. Zarem

You have been issued an Order. For purposes of service the date of mailing of this Order is Dec. 17, 1998. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING.

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Order is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

MEDICAL EXAMINING BOARD

1400 East Washington Avenue
P.O. Box 8935
Madison WI 53708-8935