

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
THOMAS WESTCOTT, M.D.,	:	(88 MED 043)
RESPONDENT.	:	(88 MED 225)

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

Thomas Westcott, M.D.  
Box 398  
Pardeeville, WI 53954

State of 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, Thomas Westcott, M.D., Respondent and Pamela Stach, Attorney for Complainant, agree to the terms and conditions of the attached Stipulation as final disposition of this matter, subject to approval of the Medical Examining Board. The Board has reviewed the Stipulation and considers it acceptable.

Accordingly, the Medical Examining Board adopts the attached Stipulation makes the following:

FINDINGS OF FACT

1. Thomas Westcott, Respondent Herein, Box 398, Pardeeville, WI 53954, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license number 11930, which was granted on August 14, 1954.
2. Respondent is 70 years of age and has been practicing medicine and surgery in the State of Wisconsin since 1954.
3. A complaint consisting of 4 counts was filed against and duly served upon Respondent on September 23, 1991.

4. Respondent voluntarily retired from the active practice of medicine and surgery in Wisconsin and closed his practice in May of 1991, prior to the filing of the Complaint. (5/16/91)

5. Respondent has no intention of resuming the practice of medicine and surgery and agrees that he will not exercise his privileges under his current registration nor reregister with the Wisconsin Department of Regulation and Licensing in 1993 or at any other time in the future.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 448.02(3).

2. The Medical Examining Board has the authority to resolve this disciplinary proceeding without commencing a formal disciplinary hearing pursuant to Wis. Stats. secs. 227.44(5).

ORDER

NOW, THEREFORE, IT IS ORDERED, that the stipulation of the parties is accepted.

IT IS FURTHER ORDERED, that Respondent's voluntary retirement and his and his agreement not to reregister to practice medicine and surgery in Wisconsin in the future, is accepted in resolution of this matter and in lieu of any discipline.

IT IS FURTHER ORDERED, that Respondent shall not engage in the practice of medicine and surgery in the State of Wisconsin under his current registration at any time following the effective date of this Order.

IT IS FURTHER ORDERED, that the Complaint in this matter is hereby dismissed.

IT IS FURTHER ORDERED, that should the Medical Examining Board determine that there is probable cause to believe that Respondent has violated the terms of this Final Decision and Order, the Board may take such action as is provided pursuant to the authority of Wis. Stats. sec. 448.02(4).

Dated this 24 day of June, 1992.

B. Ann Neviasser  
B. Ann Neviasser, Secretary  
Wisconsin Medical Examining Board

PMS:daw  
ATY-1936

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	STIPULATION
	:	(88 MED 043)
<u>THOMAS WESTCOTT, MD.</u>	:	(88 MED 225)
RESPONDENT.	:	

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It is hereby stipulated between Thomas Westcott, MD., personally and Pamela M., Stach, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Thomas Westcott, Respondent herein, Box 398, Pardeeville, Wisconsin 53954, is duly licensed to practice medicine and surgery in the State of Wisconsin under license number 11930 which was granted on August 14, 1954.
2. A Complaint consisting of four counts was filed against and duly served upon Respondent on September 23, 1991.
3. Respondent has read the Complaint and understands the nature of the allegations against him.
4. Respondent is aware of and understands each of the Respondent's rights including the right to a hearing on the allegations against him at which time the state has the burden of proving these allegations by preponderance of the evidence; the right to confront and cross-examine witnesses against him; the right to call witnesses in his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decisions 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 of the rights afforded the Respondent under the United States Constitution, the Wisconsin Constitution and the Wisconsin Administrative Code.
5. Respondent freely, voluntarily and knowingly waives each and every one of the rights set forth in paragraph 4 above.
6. Respondent retired from the active practice of medicine in May 16, 1991, prior to the filing of the complaint.
7. Respondent agrees not to reregister as a physician with the Department of Regulation and Licensing in 1993 and agrees not to exercise his rights to practice medicine and surgery under his current registration in the interim.
8. The Division of Enforcement recommends that the Wisconsin Medical Examining Board adopt this stipulation and issue the attached Final Decision and Order in resolution of this matter.

9. For the purpose of this Stipulation only, Respondent withdraws his previously filed Answer with regard to the Complaint and, voluntarily agrees to entry of the attached Final Decision and Order by the Medical Examining Board.

10. In consideration of the facts and agreements as set forth herein and in the attached Final Decision and Order, Complainant hereby moves the Medical Examining Board for dismissal of the complaint.

11. Violation of the terms and conditions specified in this Stipulation and Final Decision and Order shall constitute a basis for disciplinary action by the Medical Examining Board.

12. The parties to this Stipulation understand that the Department of Regulation and Licensing, Division of Enforcement will take no further action against Respondent's license based on the allegations contained in the Complaint unless Respondent violates the terms and conditions of this Stipulation and Final Decision and Order in which event the Department may reinstate the Complaint and reinstitute proceedings against Respondent.

13. This agreement in no way prohibits the Medical Examining Board from any further action against Respondent based on acts not alleged in the present Complaint which might be violative of Wisconsin Medical Examining Board statutes and rules.

14. The parties agree to waive the Proposed Decision of the Administrative Law Judge and submit this Stipulation directly to the Medical Examining Board. All parties agree that counsel for the parties and the board advisor assigned to this case, may appear before the Board in open session to argue on behalf of acceptance of this Stipulation.

15. This Stipulation and Final Decision and Order, if adopted and entered by the Veterinary Examining Board, shall become effective on the date of signature.

16. The parties waive all costs in this matter.

17. In the event any term or condition of this Stipulation and Final Decision and Order is not accepted or entered by the Medical Examining Board, then no term of this Stipulation; and Final Decision and Order shall be binding in any manner on any party to this Stipulation.

Dated: 2/10/92

Thomas S. Westcott, M.D.  
Thomas Westcott, M.D.  
RESPONDENT

Dated: February 14, 1992

Pamela M. Stach  
Pamela M. Stach, Attorney  
Department of Regulation and Licensing

PMS:daw  
ATY-1934

## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each, and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

### 1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Medical Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

### 2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Medical Examining Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Medical Examining Board.

The date of mailing of this decision is June 29, 1992.