

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

84 MED 184
94 MED 226

MARTIN E. FARBSTEIN, M.D.,

Respondent.

FILE COPY

STIPULATION, FINAL DECISION AND ORDER

STIPULATION

It is hereby stipulated between Martin E. Farbstein, by his attorney, Thomas G. Wilson of Stafford, Rosenbaum, Rieser & Hansen, and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, that the Medical Examining Board may issue the Final Decision and Order found below, which is acceptable to the signing parties and recommended to the Board.

STAFFORD, ROSENBAUM, RIESER & HANSEN

Date: 10/26/94

By Thomas G. Wilson
Thomas G. Wilson
Attorneys for Martin E. Farbstein

Date: 10.27.94

By Steven M. Gloe
Steven M. Gloe
Attorney for Division of Enforcement

FINAL DECISION

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

Martin E. Farbstein
411 South Prospect, #202
Galena, IL 61036

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 final decision of this matter as set forth below, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter makes the following:

FINDINGS OF FACT

1. Martin E. Farbstein, M.D. (D.O.B. 02/17/26) is duly licensed to practice medicine and surgery in the State of Wisconsin (license #14207). This license was first granted on January 12, 1962. Dr. Farbstein's area of specialty on record with the Board is general practice.

2. Dr. Farbstein's most recent address on file with the Wisconsin Medical Examining Board is 411 South Prospect, #202, Galena, Illinois 61036.

3. On or about October 20, 1994, the State of Iowa Medical Examining Board accepted the surrender of Dr. Farbstein's license to practice medicine in that state. A copy of the Iowa Informal Settlement is attached to this Order as Exhibit A. Exhibit A is incorporated by reference into this Order.

4. Dr. Farbstein contests any and all allegations of wrongdoing or incompetency, and does not admit to the same by entering into this stipulation, but for personal reasons and in resolution of the above-referenced investigations (file #'s 84 MED 184/ 94 MED 226), Dr. Farbstein consents to the issuance to the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

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

2. The Wisconsin Medical Examining Board is authorized to enter into the above Stipulation and issue the following order, pursuant to secs. 227.44(5) and 448.02, Stats.

3. For the purpose of the stipulated resolution of this action, the Board finds that Dr. Farbstein has engaged in conduct contrary to Wis. Stats. sec. 448.02(3) and Wis. Adm. Code §MED 10.02(2)(b), (h), (i) and (q).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Wisconsin Medical Examining Board accepts the SURRENDER of the license of Martin E. Farbstein to practice medicine and surgery in the State of Wisconsin. Dr. Farbstein shall not reapply for licensure to practice medicine and surgery in this state.

In consideration of the surrender of respondent's license, the Board imposes no costs on respondent for these proceedings.

This Order shall become effective upon the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By Jones L. Egan M.D.
On behalf of the Board *JES*

10/27/54
Date

IOWA BOARD OF MEDICAL EXAMINERS
I do hereby certify that this document is
true and correct copy of the original on file
in this office.

James M. Carr

SIGNED

Associate Director

TITLE

10/21/94

BEFORE THE BOARD OF MEDICAL EXAMINERS

OF THE STATE OF IOWA

IN THE MATTER OF THE COMPLAINT	*	
AND STATEMENT OF CHARGES AGAINST	*	COMPLAINT AND STATEMENT
MARTIN E. FARBSTEIN, MD	*	OF CHARGES
RESPONDENT	*	02-92-057

COMES NOW Ann M. Martino, PhD, Executive Director of the Iowa State Board of Medical Examiners (hereafter the Board), on May 5, 1994 and at the direction of the Board, files this Complaint and Statement of Charges against Martin E. Farbstein, MD (hereafter the Respondent), a physician licensed pursuant to Chapter 147 of the Code of Iowa and alleges:

1. That Edra Broich; James Caterine, MD; James D. Collins, Jr., MD; Eddie D. DeHaan, MD; Mary C. Hodges; Donna Norman, DO; Roger F. Senty, DO; George G. Spellman, Sr., MD and Laura Stensrud are the duly appointed and qualified officers and members of the Board.

2. That the Respondent was issued license number 24424 to practice medicine and surgery in the State of Iowa on July 27, 1984, as recorded in the permanent records in the office of the Board.

3. That the Respondent's license is current and will next expire on February 1, 1996.

MARTIN E. FARBSTEIN, MD
COMPLAINT AND STATEMENT OF CHARGES

4. That during the time period beginning in March 1991 and continuing through December 1992, the Respondent provided substandard medical care to the following listed patients in the manner described:

A) By failing to initiate antihypertensive agents sooner for **Patient #1**, a hypertensive, based upon the patient's initial readings and prior medical history of being on combination therapy:

B) By a lack of knowledge pertaining to sexually transmitted disease management for **Patient #2**;

C) By presenting poorly written documentation pertaining to plan of evaluation and therapy for **Patient #3**, a HIV/Hepatitis C risk patient;

D) By failing to perform a rectal examination and/or stool guaiac to rule out an occult GI bleed for **Patient #4**.

E) By failing to perform specific laboratory tests for possible out of control diabetes with associated risk of an upper urinary tract infection for **Patient #5**.

F) By failing to evaluate x-rays in a timely fashion for **Patient #6**.

5. That the Respondent is unable to practice medicine with reasonable skill and safety by reason of a mental or physical condition.

6. That on or about December 7, 1991, as part of the requirements for biennial renewal of his medical license, the Respondent knowingly filed a false continuing medical education statement with the Board.

**MARTIN E. FARBSTEIN, MD
COMPLAINT AND STATEMENT OF CHARGES**

7. That the Board is authorized to take disciplinary action against the Respondent pursuant to the provisions of sections 148.6(1), 148.6(2), 148.6(2)a, 148.6(2)g, 148.6 (2)h and 148.6(2)i of the 1993 Code of Iowa, which state in whole or in part:

148.6(1) - The medical examiners, after due notice and hearing in accordance with chapter 17A, may issue an order to discipline a licensee for any of the grounds set forth in section 147.55, chapter 272C, or this subsection.

148.6(2) - Pursuant to this section, the Board of medical examiners may discipline a licensee who is guilty of any of the following acts or offenses:

148.6(2)a - Knowingly making misleading, deceptive, untrue or fraudulent representation in the practice of the physician's profession.

**148.6(2)g - Being guilty of a willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of medicine and surgery
...**

**148.6(2)h - Inability to practice medicine and surgery ... with reasonable skill and safety ... as a result of a mental or physical condition
...**

**148.6(2)i - Willful or repeated violations of lawful rule or regulation adopted by the board
...**

**MARTIN E. FARBSTEIN, MD
COMPLAINT AND STATEMENT OF CHARGES**

8. That the Board is authorized to take disciplinary action against the Respondent pursuant to the provisions of 653 IAC 12.4, 12.4(2), 12.4(2)*b*, 12.4(2)*c*, 12.4(2)*d*, 12.4(3), 12.4(3)*c*, 12.4(13), 12.4(14), 12.4(15), 12.4(20) and 12.4(28) which state in whole or in part:

653-12.4 - Grounds for discipline. The board may impose any of the disciplinary sanctions set forth in rule 12.2, including civil penalties in an amount not to exceed \$10,000, when the board determines that the licensee is guilty of any of the following acts or offenses:

653-12.4(2) - Professional incompetency. Professional incompetency includes but is not limited to:

653-12.4(2)*b* - A substantial deviation by the physician from the standards of learning or skill ordinarily possessed and applied by other physicians or surgeons in the state of Iowa acting in the same or similar circumstances;

653-12.4(2)*c* - A failure by a physician or surgeon to exercise in a substantial respect that degree of care which is ordinarily exercised by the average physician or surgeon in the state of Iowa acting in the same or similar circumstances;

653-12.4(2)*d* - A willful or repeated departure from or the failure to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery ... in the state of Iowa.

653-12.4(3) - ... [P]ractice harmful or detrimental to the public.

**MARTIN E. FARBSTEIN, MD
COMPLAINT AND STATEMENT OF CHARGES**

653-12.4(3)c - Practice harmful or detrimental to the public includes, but is not limited to the failure of a physician to possess and exercise that degree of skill, learning and the care expected of a reasonable prudent physician acting in the same or similar circumstances in this state ... or when a physician is unable to practice medicine with reasonable skill and safety to patients as a result of a mental or physical impairment ...

653-12.4(13) - Being guilty of a repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of medicine and surgery ...

653-12.4(14) - Inability to practice medicine and surgery ... with reasonable skill and safety by reason of a mental or physical impairment ...

653-12.4(15) - ... [R]epeated violation of lawful rule or regulation adopted by the board.

653-12.4(20) - Knowingly submitting a false report of continuing education ...

653-12.4(28) - Violating any of the grounds for the revocation or suspension of a license listed in Iowa Code sections ... 148.6.

9. That paragraphs 7 and 8 and constitute grounds for the Board to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent on July 27, 1984.

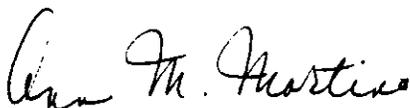
WHEREFORE the undersigned charges that the Respondent is subject to disciplinary action pursuant to the provisions of sections 148.6(1), 148.6(2), 148.6(2)a, 148.6(2)g,

**MARTIN E. FARBSTEIN, MD
COMPLAINT AND STATEMENT OF CHARGES**

148.6(2)*h* and 148.6(2)*i* of the 1993 Code of Iowa, and 653 IAC 12.4, 12.4(2), 12.4(2)*b*, 12.4(2)*c*, 12.4(2)*d*, 12.4(3), 12.4(3)*c*, 12.4(13), 12.4(14), 12.4(15), 12.4(20), and 12.4(28).

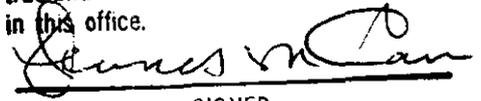
The undersigned prays that the board enter an order fixing a time and place of hearing for the Complaint and Statement of Charges. The undersigned further prays that upon final hearing, the Board enter its findings of fact and decision to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent on July 27, 1984, and for such other relief as the Board deems just in the premises.

IOWA STATE BOARD OF MEDICAL EXAMINERS



Ann M. Martino, PhD
Executive Director
1209 East Court Avenue
Des Moines, IA 50319-0180
Telephone: (515) 281-5171

IOWA BOARD OF MEDICAL EXAMINERS
I do hereby certify that this document is
true and correct copy of the original on file
in this office.



SIGNED

Associate Director

BEFORE THE BOARD OF MEDICAL EXAMINERS

TITLE 10/21/94

OF THE STATE OF IOWA

IN THE MATTER OF THE COMPLAINT
AND STATEMENT OF CHARGES AGAINST
MARTIN E. FARBSTEIN, MD
RESPONDENT

*
* INFORMAL SETTLEMENT
*
* 02-91-498
*
*

COMES NOW the Iowa Board of Medical Examiners (hereafter the Board) and Martin E. Farbstein, MD (hereafter the Respondent), and pursuant to Iowa Code, Sections 17A.10 and 272C.3(4), enter into the following Informal Settlement of the contested case currently on file.

1. The Respondent was issued License Number 24424 to practice medicine and surgery in Iowa on July 27, 1984, as recorded in the permanent records of the Board.
2. A Complaint and Statement of Charges was filed against the Respondent on March 31, 1994, and is awaiting hearing.
3. The Board has jurisdiction of the parties and the subject matter.
4. As a disposition to the pending Complaint and Statement of Charges, the Respondent agrees to voluntarily surrender his license to practice medicine and surgery in Iowa.

INFORMAL STATEMENT
Martin E. Farbstein, MD

5. The Respondent may only apply for reinstatement of license pursuant to Iowa Code, Section 148.9 and 653 IAC 12.50(36), whereupon the Respondent shall show that the basis for discipline no longer exists and that it will be in the public interest for the license to be reinstated.

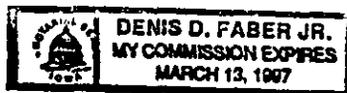
6. This Informal Settlement is subject to approval of the Board. If the Board fails to approve this Informal Settlement, it shall be of no force or effect to either party.

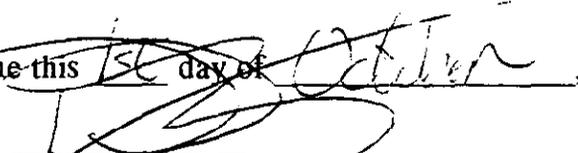
7. This Informal Settlement is voluntarily submitted by Respondent to the Board for its consideration and does not involve any admission on the part of Respondent to any wrongdoing or act of incompetency or any act or omission which would justify disciplinary action by the Board which is expressly denied by Respondent.


Martin E. Farbstein, MD, Respondent

1994.

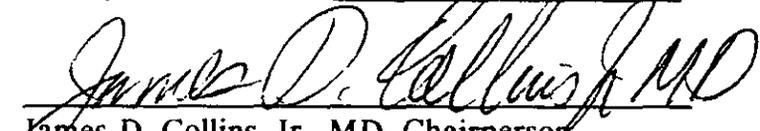
Subscribed and sworn to before me this 1st day of October



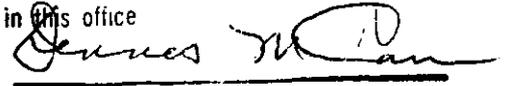

Notary Public in and for the
State of Iowa

1994.

This Informal Settlement is approved by the Board on October 20,


James D. Collins, Jr., MD, Chairperson
Iowa Board of Medical Examiners

IOWA BOARD OF MEDICAL EXAMINERS
I do hereby certify that this document is
true and correct copy of the original on file
in this office



SIGNED

Associate Director

TITLE 10/21/94

Ann M. Martino, PhD
Executive Director
Iowa Board of Medical Examiners
1209 East Court Avenue
Des Moines, Ia 50319-0180

Dear Dr. Martino:

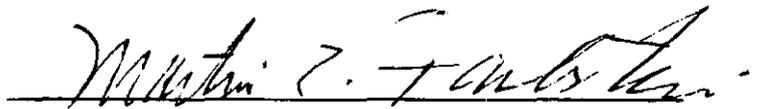
You are hereby notified that in accordance with the provisions of Section 148.8, Code of Iowa, this letter shall constitute my written statement of intention to voluntarily surrender the Iowa license to practice medical and surgery, License Number 24424, which was issued to me on July 27, 1984, as recorded in the permanent records in the Office of the Iowa Board of Medical Examiners (hereafter the Board).

You are further notified that I fully understand that upon the Board's acceptance of this voluntary surrender of my license, such acceptance shall have the same force and effect as an order of revocation.

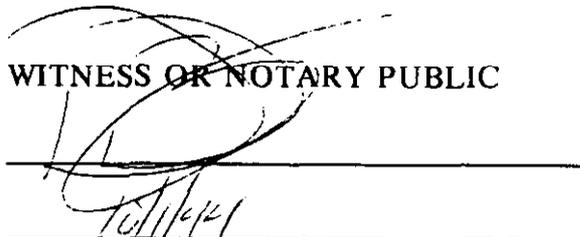
You are further notified that I hereby affirm my decision not to engage in the practice of medicine and surgery as a physician in the State and Iowa, and I hereby absolve and release the Iowa Department of Public Health and the Board from any further right, claim, or title to the certificate of license, and to any of the rights, privileges, and honors pertaining thereto.

You are further notified that neither this correspondence nor the Informal Settlement constitutes an admission on my part to any wrongdoing or act of incompetency or any act or omission which would justify disciplinary action by the Board which is expressly denied by me.

This written statement of my intention to voluntarily surrender my medical license is being signed by me on October 1, 1994, as my own voluntary act and deed.


Martin E. Farbstein, MD

WITNESS OR NOTARY PUBLIC



(Date)

IOWA BOARD OF MEDICAL EXAMINERS
I do hereby certify that this document is
true and correct copy of the original on file
in this office.

James D. ...

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

SIGNED
Associate Director
TITLE 10/21/94

IN THE MATTER OF THE COMPLAINT *
*
AND STATEMENT OF CHARGES AGAINST * ORDER
*
MARTIN E. FARBSTEIN, M.D., * 02-91-498
*
RESPONDENT *
*

NOW ON October 20, 1994 BE IT REMEMBERED:

1. That Martin E. Farbstein, M.D. (hereafter the Respondent), was issued a license to practice medicine and surgery in the state of Iowa, on July 27, 1984, as evidenced by certificate number 24424, which is recorded in the permanent records in the office of the Iowa State Board of Medical Examiners (hereafter the Board).
2. That a Complaint and Statement of Charges was filed against the Respondent, on March 31, 1994, and was scheduled to be heard before the Board.
3. That the Board has jurisdiction of the parties and the subject matter herein.
4. That the undersigned is authorized to issue an Order herein on the behalf of the Board, under the provisions of sections 148.6(1), 148.6(2), and 148.7(7), of the 1993 Code of Iowa.
5. That pursuant to the provisions of sections 17A.10 and 272C.3(4) of the 1993 Code of Iowa, the Respondent and the Board have entered into an Informal Settlement providing

that the undersigned should enter an Order relating to the Respondent's license to practice medicine and surgery in the state of Iowa.

THEREFORE IT IS ORDERED that the Respondent's **Voluntary Surrender** of license to practice medicine and surgery in the state of Iowa, #24424, be accepted.

A handwritten signature in black ink, reading "James D. Collins, Jr., M.D.", written over a horizontal line.

James D. Collins, Jr., M.D., Chair
IOWA STATE BOARD OF MEDICAL EXAMINERS
1209 East Court Avenue
Des Moines, IA 50319-0180



TERRY E. BRANSTAD, GOVERNOR

October 21, 1994

IOWA BOARD OF MEDICAL EXAMINERS
I do hereby certify that this document is true and correct copy of the original on file in this office.

[Signature]
BOARD OF MEDICAL EXAMINERS
ANN M. MARTINO, M.D., EXECUTIVE DIRECTOR

Associate Director
TITLE 10/21/94

Martin E. Farbstein, MD
411 South Prospect, Apt. 202
Galena, IL 61036

RE: ACCEPTANCE OF VOLUNTARY SURRENDER OF MEDICAL LICENSE

Dear Dr. Farbstein:

On October 20, 1994, the Iowa State Board of Medical Examiners considered the surrender of your medical license which was tendered by you on or about October 1, 1994. Following such consideration and a review of the circumstances from which your voluntary license surrender resulted, the Board voted to accept the voluntary surrender of your license as tendered.

Accordingly, the Executive Director of the Iowa State Board of Medical Examiners hereby accepts the voluntary surrender of your medical license to practice medicine and surgery in Iowa, number 24424, which was issued on July 27, 1984, and which is recorded in the permanent records in the office of the Iowa State Board of Medical Examiners.

You are advised that the voluntary surrender of your license has the same force and effect as an order of revocation.

Dated this 21 day of October, 1994.

IOWA STATE BOARD OF MEDICAL EXAMINERS
Ann M. Martino, PhD, Executive Director

[Signature: Dennis M. Carr]

Dennis M. Carr, Associate Director/Chief of Compliance
1209 East Court Avenue
Des Moines, IA 50319-0180

DMC/dc

fmbrown@bme@acceptivx