

# 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

JUDITH A. MAY, M.D.,

Respondent

---

ORDER EXTENDING THE STAY

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On May 22, 1996, the Medical Examining Board issued its Final Decision and Order in the above-captioned matter. By the terms of the board's order, respondent's license to practice medicine and surgery in Wisconsin was suspended for a period of not less than five years with provision for granting successive three-month stays of the suspension upon submission to the board of a complete psychiatric and psychological evaluation establishing that Dr. May is able to practice medicine with requisite skill and safety to patients and the public.

At its meeting of October 24, 1996, the board considered a request by Dr. May for a stay of the suspension of her license. In support of the request, Dr. May submitted a Neuropsychology Report and Independent Medical Evaluation conducted at Milwaukee Psychiatric Hospital by Michael L Kula, Ph.D., and Herbert White, M.D. The board granted the stay by its Order dated November 5, 1996.

By letter dated January 13, 1997, Dr. May petitioned for a further three month stay of the suspension. The board considered the petition at its meeting of February 26, 1997, and extended the stay by its Order dated March 12, 1997. Further stays were granted on May 22, 1997, August 21, 1997, and November 19, 1997.

On February 25, 1998, the board considered a further stay of the suspension of Dr. May's license, and granted the stay by its Order dated March 12, 1998.

Pursuant to the board's order, Dr. May appeared before the board at its meeting of May 21, 1998. While Dr. May's therapist recommended that the number of required urine screens be reduced to two per month, Dr. May did not make that request. Accordingly,

NOW, THEREFORE, IT IS ORDERED that the suspension of the license of Judith A. May, M.D., be, and hereby is, stayed for a further period of three months. Dr. May may petition for additional three month stays of the suspension upon submission to the board of evidence

of having fully complied with the conditions and limitations set forth in the board's Final Decision and Order dated May 22, 1996, during the preceding three month period.

Dated this 28 day of May, 1998.

STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

by Wanda Roever  
Wanda Roever  
Secretary

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of Disciplinary Proceedings Against

Judith A. May, M.D.,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN    )  
  )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On June 2, 1998, I served the Order Extending the Stay dated May 28, 1998, upon the Respondent Judith A. May, M.D. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 158 941.

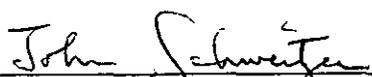
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Judith A. May, M.D.  
13365 Nicolet Avenue  
Elm Grove WI 53122

  
\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 2<sup>nd</sup> day of June, 1998.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.

## NOTICE OF RIGHTS OF APPEAL

TO: JUDITH A MAY MD

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 6/2/98. 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 Final Decision 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 Final Decision and 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 Final Decision and 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 Final Decision and 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 Final Decision and 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:**

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935