

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

FILE COPY

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

DAVID L. DARR, M.D.
Respondent

FINAL DECISION AND ORDER
(97 Med 37)

LS9805212MED

The parties to this proceeding for purposes of s. 227.53, Stats., are:

David L. Darr MD
14603 Grenadine Drive Apt. #3
Tampa, Florida 33613

Medical Examining Board
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

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

The parties in this matter, David L. Darr, M.D., personally, and Pamela M. Stach, attorney for the Department of Regulation and Licensing, Division of Enforcement, agree to the terms and conditions of the attached Stipulation as a final disposition in this matter, subject to the approval of the Medical Examining Board. The Board has reviewed the Stipulation and, finding it acceptable, makes the following:

FINDINGS OF FACT

1. David L. Darr, M.D, of 14603 Grenadine Drive Apt. #3. Tampa, Florida 33613, was born April 23, 1945, and is licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license number 19971 which was granted on July 15, 1976.
2. Dr. Darr is the subject of a formal investigation entitled 97 Med 37 which is pending before the State of Wisconsin Medical Examining Board.
3. The investigation involves allegations of inadequate or inappropriate obstetrical procedures with regard to the performance of instrument vaginal deliveries.

4. Dr. Darr has recently moved to Tampa Florida and will begin a graduate program at the University of South Florida, College of Public Health on May 11, 1998. The program will emphasize Maternal/Child issues, Perinatal Data, and Health Care Policy Formation.

5. Dr. Darr is not licensed to practice medicine and surgery in any other licensing jurisdictions and has no immediate intentions of resuming the active practice of medicine.

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 has the authority to resolve this matter by stipulation without an evidentiary hearing pursuant to sec. 227.44(5) Stats.

ORDER

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

IT IS FURTHER ORDERED that David L. Darr shall not engage in the practice of obstetrics now or at any time in the future.

IT IS FURTHER ORDERED that in the event David L. Darr wishes to resume the practice of obstetrics at any time in the future he may petition the Board for such reinstatement. At the time of any such request for reinstatement David L. Darr shall appear before the Medical Examining Board to present evidence of current competence in the area of obstetrics. Such evidence may include, but not be limited to, oral or written examination by the Board, evidence of continuing education in the area of obstetrics or other methods of evaluation of competence acceptable to the Board.

IT IS FURTHER ORDERED that pursuant to Wis. Stats sec. 448.02(4), if the Wisconsin Medical Examining Board determines that there is probable cause to believe that David L. Darr, M.D. has violated the terms of this Final Decision and Order, the Board may order that the license of David L. Darr, M.D. to practice medicine and surgery in the State of Wisconsin be summarily suspended pending investigation of the alleged violation.

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

Dated this 21 day of May, 1998.

Wisconsin Medical Examining Board

By: Wanda Kauer
Secretary

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

DAVID L. DARR, M.D.
RESPONDENT.

STIPULATION
(97 MED 37)

It is hereby stipulated between David L. Darr, M.D., Respondent herein, and Pamela M. Stach, Attorney for the Department of Regulation and Licensing as follows:

1. David L. Darr, M.D. of 14603 Grenadine Drive Apt. #3, Tampa, Florida 33613, was born April 23, 1945, and is licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license number 19971 which was granted on July 15, 1976.

2. A formal investigation entitled 97 Med 37 is pending before the Wisconsin Medical Examining Board.

3. In the interests of resolving the pending investigation, Dr. Darr, M.D. voluntarily enters into this stipulation and agrees to entry of the attached Final Decision and Order by the Medical Examining Board.

4. Dr. Darr understands that by signing this stipulation, he freely, voluntarily and knowingly waives his rights, including the right to a hearing on the allegations against him 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 witnesses against him, the right to call witnesses on his behalf and compel their attendance by subpoena, the right to testify, the right to file objections to any proposed decision and to present briefs and oral argument 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. Dr. Darr further understands that by signing this Stipulation and the entry of the attached Final Decision and Order by the Medical Examining Board that the formal investigation entitled 97 Med 37, will be closed without further proceedings.

5. Dr. Darr is further aware of his right to seek legal representation prior to signing this stipulation.

6. The parties waive any costs which may have accrued in this matter.

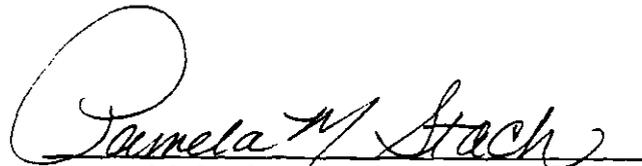
7. The parties to this stipulation and the Board Advisor may appear before the Wisconsin Medical Examining Board in support of this Stipulation.

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

9. The Final Decision and Order, if entered by the Medical Examining Board shall become effective on the date of signing.

10. If any term of this Stipulation or the attached Final Decision and Order is not accepted by the Wisconsin Medical Examining Board, then no term of the Stipulation or Order will be binding in any manner on any party and the matter will be returned to the Division of Enforcement for further proceedings.

Dated: May 7, 1998


Pamela M. Stach, Attorney
Department of Regulation and Licensing

I, David L. Darr, M.D., having read the above Stipulation and attached Final Decision and Order, do hereby freely, voluntarily and knowingly enter into this Stipulation.

Dated: May 7, 1998


David L. Darr, M.D.

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

In the Matter of the Disciplinary Proceedings Against

David L. Darr, M.D.,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

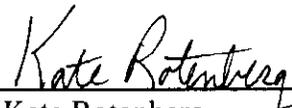
I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

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

2. On May 26, 1998, I served the Final Decision and Order dated May 21, 1998, LS9805212MED, upon the Respondent David L. Darr, 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 221 158 930.

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:

David L. Darr, M.D.
14603 Grenadine Drive, Apt. 3
Tampa FL 33613



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 26th day of May, 1998.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: DAVID L DARR 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 5/26/98. 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