

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

RAYMOND A. HUNTLEY, R.T., :
RESPONDENT. :

Case No. LS9807236MED

FINAL DECISION AND ORDER

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

Raymond A. Huntley, R.T.
2416 S. Meadowview Lane
Appleton, WI 54915

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. Raymond A. Huntley, R.T., Respondent, date of birth December 5, 1956, is certified by the Wisconsin Medical Examining Board as a respiratory care practitioner in the state of Wisconsin, pursuant to certificate number 296, which was first granted February 19, 1992.

2. Respondent's last address reported to the Department of Regulation and Licensing is 2416 S. Meadowview Lane, Appleton, WI 54915.

3. On February 10, 1995, Respondent was charged in Outagamie County Wisconsin Circuit Court case number 95CF29 with one count of violating § 948.02(2), Stats. (Sexual contact with a person who had not attained the age of 16 years), a class C felony, for having sexual contact, on or about August of 1994, with a child 10 years of age.

4. On June 30, 1995, Respondent was convicted in Outagamie County Wisconsin Circuit Court case number 95CF29, upon his plea of no contest, of one count of violating § 948.02(2), Stats. (Sexual contact with a person under the age of 16 years).

5. The victim of the crime set out in Finding of Fact 5 was not Respondent's patient, and the contact did not take place in a health care facility.

6. §948.02(2), Stats. is a crime substantially related to the practice of respiratory care.

CONCLUSIONS OF LAW

1. The Wisconsin 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) and 448.02(5), Stats.

3. That Respondent is subject to discipline pursuant to § 448.02(3) Stats., for having engaged in unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(r) by having been convicted of a crime which relates to practice under his certificate.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the voluntary surrender of the certificate to practice respiratory care in the state of Wisconsin of Raymond A. Huntley, R.T., Respondent, is hereby accepted, effective immediately.

2. That following two years from the date of this order, Respondent may apply to the Wisconsin Medical Examining Board for a certificate to practice respiratory care under the following terms and conditions:

a. Respondent shall, at his own expense, have undergone an assessment by a mental health care provider which focuses on the causes of the behavior which led to Respondent's criminal conduct, set out in the above findings of fact.

b. The practitioner performing the assessment must have been approved by the Board or its designee, with an opportunity for the Division of Enforcement to make its recommendation prior to the evaluation being performed.

c. Respondent must provide proof sufficient to the Board that Respondent can practice with reasonable skill and safety of clients and public.

d. If the Board determines to certify Respondent, Respondent's certificate shall be limited in a manner to address any recommendations resulting from the assessment including, but not limited to:

i. Psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designee, to address specific treatment goals, with periodic reports to the Board by the therapist.

ii. Additional professional education in any identified areas of deficiency.

iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board or its designee, with periodic reports to the Board by the supervisor.

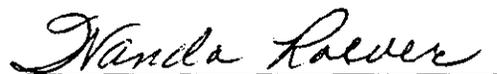
e. If certified, Respondent shall appear before the Board on an annual basis, if requested by the Board, to review the progress of any treatment and rehabilitation.

3. If Respondent believes that the Board's refusal to certify Respondent under paragraph 2 is inappropriate or that any limitation imposed or maintained by the Board under paragraph 2 is inappropriate, Respondent may seek a class 1 hearing pursuant to sec. 227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The decision not to certify Respondent or to impose limitations on Respondent's certificate shall remain in effect until there is a final decision in Respondent's favor on the issue.

4. If Respondent is certified by the Board under paragraph 2, violation of any term or condition of this Order, or of any limitation imposed under paragraph 2 above, may constitute grounds for revocation of Respondent's certificate. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, or any limitation imposed under paragraph 2 above, the Board may order that Respondent's certificate be summarily suspended pending investigation of and hearing on 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 on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 23rd day of July, 1998.



Wanda Roever
Secretary
Medical Examining Board

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY .
PROCEEDINGS AGAINST :

RAYMOND A. HUNTLEY, R.T., :
RESPONDENT. :

Case No. **LS 9807236MED**

STIPULATION

It is hereby stipulated and agreed, by and between Raymond A. Huntley, R.T., Respondent; and John R. Zwiig, 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 a pending investigation of Respondent by the Department of Regulation and Licensing, Division of Enforcement on behalf of the Medical Examining Board (file 97 MED 199).

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 admits the allegations in this matter, and 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.

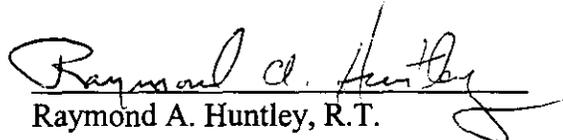
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6 Attached to this Stipulation are Respondent's current wall and wallet registration certificates.

7. The parties to this Stipulation agree that the Respondent, Respondent's attorney, if any, the 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.

8. The parties agree to waive all costs of the investigation and this proceeding.

Dated this 22 day of June, 1998.


Raymond A. Huntley, R.T.
Respondent

Dated this 19th day of June, 1998.


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

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

In the Matter of the Disciplinary Proceedings Against

Raymond A. Huntley, R.T.,

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 July 24, 1998, I served the Final Decision and Order dated July 23, 1998, LS9807236MED, upon the Respondent Raymond A. Huntley, R.T. 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 Z 233 819 630.
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:

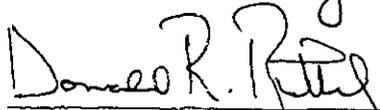
Raymond A. Huntley, R.T.
2416 S. Meadowview Lane
Appleton WI 54915



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 24th day of July, 1998.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: RAYMOND A HUNTLEY RT

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 7/24/98. 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