

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST :

DAREL C. ANGUS, M.D.,  
RESPONDENT. :

FINAL DECISION AND ORDER  
97 MED 334

LS980924MED

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

Darel C. Angus, M.D.  
1381 W. Mason St.  
Green Bay, WI 54303

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 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. Respondent Darel C. Angus (dob 20/27/27) is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #10882, first granted on 10/6/50. Respondent is a general practitioner, and is not licensed in any other state.
2. Respondent did, for an extended period beginning before 1995, and continuing to spring, 1998, routinely stock and dispense prescription drugs for patients. Patients are routinely charged for medications dispensed by respondent.
3. During this period, respondent routinely did not label the medications provided to patients with a label meeting the requirements of § Med 17.04(1), Wis. Adm. Code.
4. During this period, respondent did not maintain a complete controlled substances log as required by § Med 17.05(2)(b)2., Wis. Adm. Code.
5. During this period, respondent did not maintain any biennial inventory as required by § Med 17.05(2)(a), Wis. Adm. Code.

6. During this period, respondent routinely did not dispense medications in a child-resistant container as required by § Med 17.03, Wis. Adm. Code, but dispensed them in a paper envelope.

7. During this period, respondent's patient charts routinely do not include records of patient complaints, physical examinations, diagnoses, and treatment plans for each office visit. It is common for an entry for a continuing patient's office visit to list the medications provided and the bill for medications and services, without other notations.

8. In the summer of 1998, respondent has taken the following steps to improve his practice: he has ceased all dispensing of controlled substances and taken a 40 hour course in appropriate prescribing of controlled substances at Case Western Reserve Medical School, he has brought his dispensing of non-controlled prescription drugs into compliance with ch. Med 17, Wis. Adm. Code, and he has retained and is using a medical transcription service and is dictating all patient notes according to the SOAP method.

9. On 7/2/98, respondent reported to local police that approximately 5000 dosage units of controlled substances were missing from his office inventory since December, 1997. Respondent cannot account for these controlled substances.

#### CONCLUSIONS OF LAW

A. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to §448.02(3), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

B. The conduct described in paragraphs 3-6, above, violated § Med 10.02(2)(p) and (z), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

C. The conduct described in paragraph 7, above, violated §§ Med 10.02(2)(h) and (za), and 21.03(2), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the code and statutes.

D. The conduct described in paragraph 9, above, violated § Med 17.05(1)(a) and (2), Wis. Adm. Code, and 21 CFR §1304.21(a).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that the license of Darel C. Angus, M.D., to practice medicine and surgery is LIMITED as provided in §448.02(3)(e), Wis. Stats., and as follows: respondent shall not dispense, or maintain in his office, any controlled substance, including any manufacturer's samples.

IT IS FURTHER ORDERED, that respondent shall pay the COSTS of investigating and prosecuting this matter in the amount of \$1800, within 60 days of this order.

IT IS FURTHER ORDERED, that respondent shall comply completely with chs. Med 17 and 21, Wis. Adm. Code.

IT IS FURTHER ORDERED, that pursuant to §448.02(4), Wis. Stats., if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license and registration of respondent be summarily suspended pending investigation of the alleged violation.

Dated this September 24, 1998.

WISCONSIN MEDICAL EXAMINING BOARD

by: Wanda Reeves  
a member of the Board

akt  
i:\angus.stp

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DAREL C. ANGUS, M.D.,  
RESPONDENT.

STIPULATION  
97 MED 334

It is hereby stipulated between the above Respondent and the undersigned prosecuting attorney for the Division of Enforcement of the Department of Regulation and Licensing, as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondent by the Division of Enforcement. Respondent consents to the resolution of this investigation by agreement and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation, respondent waives the following rights with respect to disciplinary proceedings: the right to a statement of the allegations against respondent; a right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against respondent; the right to call witnesses on respondent's behalf and to compel attendance of witnesses by subpoena; the right to testify personally; 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 respondent's right to seek legal representation and has obtained legal advice before signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties 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 or the proposed Final Decision and Order, 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. The parties agree that an attorney for the Division of Enforcement may appear before the Board, in open or closed session, without the presence of Respondent or Respondent's attorney, for the purposes of speaking in support of this agreement and answering questions that the members of the Board and its staff may have in connection with their deliberations on the case.
7. The Board Advisor in this matter may participate freely in any deliberations of the Board regarding acceptance of this Stipulation and the proposed Final Order, and may relate to the Board any knowledge and view of the case acquired during the investigation.

8. This stipulation is subject to approval by the Division of Enforcement's attorney-supervisor. If approved by the supervisor, the Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

9. Respondent stipulates that there is an adequate factual basis for the discipline imposed herein, although the Findings of Fact may not appear to justify the entire outcome. The language of the Findings has been negotiated as a matter of compromise between the parties, and respondent agrees not to claim in any forum that the discipline imposed was not justified by the Findings of Fact stated.

10. Respondent is informed that should the Board adopt this stipulation, the Board's final decision and order is a public record and will be published in the monthly *Report of Decisions* issued by the department. A summary of the order will be published in the *Wisconsin Regulatory Digest* issued semiannually by the Board. This is standard department procedure and in no way specially directed at Respondent.

11. Respondent agrees to deliver respondent's biennial registration credentials to the Board immediately upon receipt of the Final Decision and Order resulting from this Stipulation. Respondent will then be provided with the standard credential issued by the department to those practicing under limitations. Respondent is informed that the Board is required to file an Adverse Action Report with the National Practitioner Data Bank within 30 days following the date of its Final Decision Order. This is standard department procedure and in no way specially directed at Respondent.

Darel Charles Angus M.D. 9/1/98  
Respondent Date

Janet S. Angus, Attorney for Respondent 9/8/98  
Date

Arthur Thayer 9/15/98  
Prosecuting Attorney Date  
Division of Enforcement

# Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935  
(608)

TTY# (608) 267-2416, hearing or speech  
TRS# 1-800-947-3529, impaired only

## GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On September 24, 1998, the Medical Examining Board  
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a  
forfeiture.

The amount of the costs assessed is: \$1,800.00 Case #: LS9809241MED

The amount of the forfeiture is: \_\_\_\_\_ Case # \_\_\_\_\_

Please submit a check or a money order in the amount of \$1,800.00

The costs and/or forfeitures are due: November 23, 1998

NAME: Darel C. Angus, M.D. LICENSE NUMBER: 10882

STREET ADDRESS: 1381 West Mason Street

CITY: Green Bay STATE: WI ZIP CODE: 54303

Check whether the payment is for costs or for a forfeiture or both:

COSTS  FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL  ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING**  
**1400 E. WASHINGTON AVE., ROOM 141**  
**P.O. BOX 8935**  
**MADISON, WI 53708-8935**

#2145 (Rev. 9/96)  
Ch. 440.22, Stats.  
G:\BDLS\FM2145.DOC

**For Receipting Use Only**

Committed to Equal Opportunity in Employment and Licensing+



## NOTICE OF RIGHTS OF APPEAL

TO: JANET S ANGUS ATTY

You have been issued an Order. For purposes of service the date of mailing of this Order is 9/25/98. 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 Order 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 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 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 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 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