

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

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

MARTIN C. HINZ, M.D., :
RESPONDENT :

FINAL DECISION AND ORDER

LS9812161MED

Division of Enforcement Case No. 96 MED 448

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Martin C. Hinz, M.D.
5918 N. Pike Lake Rd.
Duluth, MN 55811

Medical Examining Board
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO 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. Martin C. Hinz, M.D. (DOB 01/15/54) is duly licensed to practice medicine and surgery in the state of Wisconsin (license #26723). This license was first granted on May 22, 1985.
2. Dr. Hinz's most recent address on file with the Wisconsin Medical Examining Board is 5918 N Pike Lake Road, Duluth, MN 55811.
3. On April 8, 1996, the Minnesota Board of Medical Practice (hereinafter "Minnesota Board") issued an order which indefinitely suspended the license of Dr. Hinz to practice medicine in Minnesota. The factual basis for the imposition of the suspension involved a diagnosis of bipolar disorder with sleep deprivation. A true and correct copy of the Minnesota Board's Stipulation and

Order is attached to this document as Exhibit A. Exhibit A is incorporated into this document by reference.

4. On September 13, 1997, the Minnesota Board issued an amended order regarding Dr. Hinz license to practice medicine, which among other things imposed the following limitations: (1) Respondent shall practice in a group setting with a supervising physician and work no more than 25 hours/week; (2) Respondent shall submit to a comprehensive mental health evaluation through the Minnesota Professional Assessment Program; and (3) Respondent shall complete a practice skills assessment through a Board recommended evaluator. A true and correct copy of the Minnesota Board's Amended Stipulation and Order is attached to this document as Exhibit B. Exhibit B is incorporated into this document by reference.

5. To date, Respondent has successfully complied with all of the terms of the Minnesota Board's September 13, 1997, amended order.

6. In resolution of this matter, Dr. Hinz consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

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

2. The conduct described in paragraph 3, above, constitutes a violation of section Med 10.02(2)(q) of the Wisconsin Administrative Code.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

The license of Martin C. Hinz (license # 26723) to practice medicine and surgery in the State of Wisconsin is LIMITED as follows:

1. Dr. Hinz shall maintain complete compliance with all terms and conditions imposed upon his Minnesota license. Respondent shall arrange for quarterly reports to the Department Monitor from the Minnesota Board documenting his compliance with the terms and conditions affecting his Minnesota license. Respondent shall further arrange with the Minnesota Board and his supervising health care provider for immediate submission of notification to the Department Monitor of any violation by Respondent of the Minnesota Order. Respondent, himself, agrees to submit notification to the Department Monitor of any violation by Respondent of the Minnesota Order.

2. Respondent shall provide the Board with current releases complying with state and federal laws, authorizing release and access to his records with the Minnesota Board and from his current mental health treatment providers.

3. Respondent shall notify the Board at least fifteen (15) days prior to any resumption on his part of his practice of medicine in the state of Wisconsin.

4. Dr. Hinz may petition the Board for removal or revision of any of the terms and conditions imposed pursuant to this Order at any time following successful completion of all probationary terms imposed against his Minnesota license. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of secs. 227.01(3) and 227.42, Stats.

5. Any petition or report submitted under this order shall be submitted to:

Department Monitor
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 267-7139

6. Violation of any of the terms of this Order or the conditions imposed as a result of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license; the Board in its discretion may in the alternative impose additional conditions and limitations and/or other additional discipline for a violation of any of the terms of this Order.

7. This Order shall become effective on the date of its signing.

MEDICAL EXAMINING BOARD

By:

Wanda Raever
A Member of the Board

12-16-98
Date



MINNESOTA BOARD OF MEDICAL PRACTICE

2700 University Avenue West, #106 St. Paul, MN 55114-1080 (612) 642-0538
MN Relay Service for Hearing Impaired (612) 297-5353 or (800) 627-3529)

617 2130

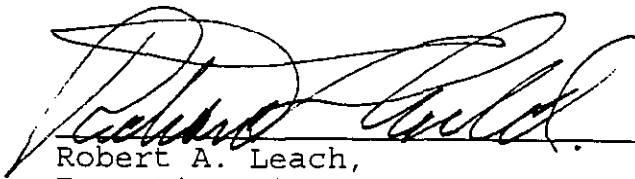
CERTIFICATION OF DISCIPLINARY ACTIONS

ORDER DATED April 8, 1996

IN THE MATTER OF: Martin C. Hinz, M.D.

CITY AND STATE OF: Duluth, MN

I, Robert A. Leach, Executive Director of the Minnesota Board of Medical Practice, Do hereby certify that the attached Board Order is a copy of the original official record on file in the office of the Minnesota Board of Medical Practice. As Executive Director, I am the official custodian of such documents and I have personally compared the attached copy with the original and find it to be a true and correct copy thereof.



Robert A. Leach,
Executive Director
Minnesota Board of Medical Practice

(S E A L)

Exhibit A

determined by his treating psychiatrist. Accordingly, St. Louis County agreed to stay the judicial commitment proceedings.

STATUTES

3. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. 147.091, subd. 1(1) (1994) and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action.

REMEDY

4. Upon this stipulation and all of the files, records, and proceedings herein and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order as follow:

a. Respondent's license to practice medicine and surgery in the State of Minnesota is **SUSPENDED**.

b. During the period of suspension, Respondent shall not in any manner practice medicine or surgery in this state

c. Respondent may petition the Board to remove the suspension upon submission of evidence that Respondent is able to practice medicine with reasonable skill and safety to patients as determined by the Board

d. Upon submission of his petition to remove the suspension, Respondent shall meet with the Board's Complaint Review Committee to discuss his fitness and ability to practice medicine with reasonable skill and safety to patients.

e. Upon hearing Respondent's petition for removal of the suspension, the Board may.

1) Continue the suspension upon Respondent's failure to submit satisfactory evidence of his ability to practice medicine and surgery with reasonable skill and safety;

10. Respondent hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation.

Dated: April 2, 1996

M. C. Hinz, M.D.
MARTIN C. HINZ, M.D.
Respondent

Paul M. Spibeth, M.D.
For the Committee

Larry Stauber
Larry Stauber
Attorney for Respondent

Jacquelyn E. Albright
JACQUELYN E. ALBRIGHT
Attorney for Committee

500 Capitol Office Building
525 Park Street
St. Paul, Minnesota 55103
Telephone: (612) 297-2040

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,
IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Board this 8th day of April, 1996.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: Robert J. [Signature]



MINNESOTA BOARD OF MEDICAL PRACTICE

University Park Plaza 2829 University Avenue SE Suite 400 Minneapolis, MN 55414-3246

*Telephone (612) 617-2130 *Fax (612) 617-2166

MN Relay Service for Hearing Impaired (800) 627-3529

CERTIFICATION OF DISCIPLINARY ACTIONS

ORDER DATED September 13, 1997

IN THE MATTER OF: Martin C. Hinz, M.D.

CITY AND STATE OF: Duluth, MN

I, Robert A. Leach, Executive Director of the Minnesota Board of Medical Practice, Do hereby certify that the attached Board Order is a copy of the original official record on file in the office of the Minnesota Board of Medical Practice. As Executive Director, I am the official custodian of such documents and I have personally compared the attached copy with the original and find it to be a true and correct copy thereof.

Robert A. Leach,
Executive Director
Minnesota Board of Medical Practice

(S E A L)

c. In October 1996, Respondent petitioned the Committee for removal of the suspension on his medical license.

d. On December 12, 1996, Respondent appeared before the Committee to discuss competency issues raised by the above-referenced practice audit as well as Respondent's recent petition for removal of the suspension. Following the conference, the Committee requested that Respondent submit to a comprehensive evaluation through the Professional Assessment Program ("PAP") at Abbott Northwestern Hospital in Minneapolis, Minnesota, and complete a practice skills assessment through an evaluator recommended by the Committee.

e. Between February 3 and February 7, 1997, Respondent underwent a comprehensive mental health evaluation through the PAP. Based on the results of the evaluation, the assessment team diagnosed Respondent as follows:

Axis I: Bipolar I disorder, single manic episode, in full remission (DSM IV 296.06);
Occupational Problem (V62.2).

f. Upon discharge, the PAP assessment team concluded that Respondent had stabilized well and had made excellent progress in terms of his mental impairment. Discharge recommendations included the following:

1) Mayo Intensive Psychotherapy ("IPC") for a three-week program of intensive work on understanding how practice judgments, practice intensity, and some projects become incorporated into his grandiosity. This should be the subject of ongoing therapy and monitoring after discharge.

2) Abstinence from alcohol and all drugs of potential abuse.

3) No prescribing for self, family, close friends, or employees.

4) Make appropriate limitations on work load. This should be monitored on an ongoing basis.

5) Participation in the Health Professionals Services Program ("HPSP") for monitoring of his medication level and other issues, if appropriate.

areas, he did not have a good plan for patient evaluation. It was noted that some of this could be related to Respondent's absence from practice for over a year.

3) Patient Care Documentation. Respondent's patient care documentation was very good. Respondent's charts use an acceptable format for family practice which simply needs to be maintained during the pressures of daily practice.

4) Communication. Respondent's communication was idiosyncratic and yet successful in accommodating the needs of the doctor-patient interaction. It was suggested that Respondent change the style of physical exam to be more like his history-taking and that he be aware of the process of interacting with patients so that he can improve his medical interviewing.

i. At the conclusion of the skills assessment, CPEP staff recommended that Respondent identify and work with a preceptor. The preceptor should be a well-respected family physician in his community who could function as a teacher and mentor for approximately six to twelve months. It was further recommended that Respondent and the preceptor meet on a weekly basis to review charts and discuss medications involved in patient care decisions; to expand on differential diagnoses and underlying pathophysiology; to critically examine Respondent's clinical judgment; to focus on new areas of learning; and, to connect cases to continuing education.

STATUTES

3. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1(g), (k), (l) and (s) (1996), and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action.

REMEDY

4. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the

f. Respondent shall be subject, without notice, to unannounced blood and urine tests at the request of Board staff or other Board designee at least three (3) times per quarter. Blood and urine screens may be requested at any time. Respondent shall provide the requested sample within the time frame directed. The blood and urine screens shall be:

- 1) Collected and tested consistent with protocols established by a Board-designated laboratory;
- 2) Handled through legal chain of custody methods; and
- 3) Paid for by Respondent.

The biological fluid collection and testing shall take place at a Board-designated laboratory as directed by the Board or its designee. Testing shall screen for opiates, cocaine, barbiturates, amphetamines, benzodiazepines, marijuana, and other drugs of abuse, including alcohol. The laboratory will provide test results directly to the Board and Respondent's treating physician. Ingestion of poppy seeds will not be accepted as a reason for a positive drug screen.

g. Upon request by the Board, Respondent shall sign releases authorizing the Board to obtain Respondent's medical, mental health or chemical abuse/dependency records from any treating professional or facility.

h. Respondent shall practice in a group setting, approved in advance by the Complaint Review Committee.

i. Respondent shall not work more than twenty-five (25) hours per week for a minimum of six months from the date of this Amended Order. After six months from the date of this Amended Order, Respondent may petition the Committee to consider an increase in his work hours. The Committee, at its discretion and by its own Order, may increase the maximum number of work hours allowed per week.

j. Respondent shall establish a relationship with a supervising physician who is a family practice physician, approved in advance by the Complaint Review Committee. Respondent shall meet with the pre-approved supervising physician on a weekly basis to review patient charts and to discuss Respondent's patient care decisions including any

The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this stipulation and order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or suspension or revocation of Respondent's license.

7. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.

8. In the event Respondent should leave Minnesota to reside or practice outside the state, Respondent shall promptly notify the Board in writing of the new location as well as the dates of departure and return. Periods of residency or practice outside of Minnesota will not apply to the reduction of any period of Respondent's suspended, limited, or conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice medicine.

9. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter and has so chosen.

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,
IT IS HEREBY ORDERED that the terms of this amended stipulation are adopted and
implemented by the Board this 13th day of September, 1997.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: 

August 28, 1997

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : STIPULATION
MARTIN C. HINZ, M.D., :
RESPONDENT :

It is hereby stipulated between Martin C. Hinz, M.D., personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Dr. Hinz's licensure by the Division of Enforcement (96 MED 448). Dr. Hinz consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Dr. Hinz understands that by the signing of this Stipulation he 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 the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Americans with Disabilities Act of 1990, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Dr. Hinz is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

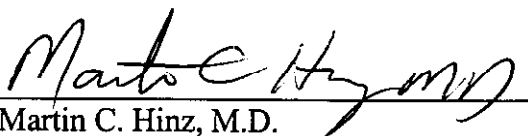
4. Dr. Hinz agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights 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 is the current licensure card of Martin C. Hinz. If the Board accepts the Stipulation, Dr. Hinz's license shall be reissued only in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of Dr. Hinz shall be returned to him with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Medical Examining Board assigned as an advisor in this investigation may appear before the Medical Examining 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 Division of Enforcement joins Dr. Hinz in recommending the Medical Examining Board adopt this Stipulation and issue the attached Final Decision and Order.


Martin C. Hinz, M.D.

11-25-98
Date


Steven M. Gloe, Attorney
Division of Enforcement

12.7.98
Date

BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARTIN C. HINZ, M.D.,
RESPONDENT.

AFFIDAVIT OF MAILING

Pamela A. Haack, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on December 18, 1998, she served the following upon the respondent:

Final Decision and Order dated December 16, 1998, LS9812161MED

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail, with a return receipt requested in an envelope properly addressed to the above-named respondent at:

5918 N Pike Lake Road
Duluth MN 55811
Certified Z 233 821 143

an address that appears in the files and records of the Medical Examining Board as the respondent's last known address.

Pamela A. Haack

Pamela A. Haack
Department of Regulation and Licensing

Subscribed and sworn to before me

this 21st day of December, 1998.

Deanna Zychowski

Notary Public

Dane County, Wisconsin

My Commission is ~~Permanent~~ *expires 8-27-2000*

NOTICE OF RIGHTS OF APPEAL

TO: Martin C. Hinz, M.D.

You have been issued an Order. For purposes of service the date of mailing of this Order is 12/18/98. 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:

MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935