

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

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST
JAY N. BHORE, M.D.

Respondent

ORDER DENYING PETITION

FINDINGS OF FACT

1. On January 20, 1999, the Medical Examining Board issued its Final Decision and Order in the captioned matter. The Final Decision included findings that a formal investigation was pending before the board based on an investigation by the Federal Bureau of Investigation relating in part to Medicaid fraud, and that Dr. Bhore had voluntarily agreed to surrender his license to practice medicine and surgery in Wisconsin. By the terms of the board's Order, the board accepted the surrender of Dr. Bhore's license to practice medicine and surgery in Wisconsin. The Order further provides that Dr. Bhore shall not either apply for a license or attempt to renew his registration in Wisconsin.
2. The board's Final Decision and Order was based upon a Stipulation executed by Dr. Bhore on December 23, 1998, and executed by Steven M. Gloe, an attorney with the Division of Enforcement, on January 5, 1999. The Stipulation provided in part that Dr. Bhore voluntarily waived his rights to a hearing on the allegations against him, along with other constitutional rights; that Dr. Bhore was aware of his right to seek legal representation and had been given an opportunity to seek such representation; and that he consented to the Final Decision and Order. The Stipulation also provided that upon acceptance of the Stipulation and Order by the board, the pending investigation would be closed.
3. By letter dated January 29, 1999, Dr. Bhore, by Attorney Leonard V. Brady, requested a rehearing in the matter. According to Attorney Brady's letter, the request is based upon Dr. Bhore's allegations that he signed the Stipulation without knowing the charges against him and without the benefit of legal counsel. He also alleges that he was employed by a clinic where he made no billings and received no compensation other than his salary.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this matter pursuant to 448.02, Stats.
2. Under sec. 227.49(3), Stats., a rehearing may be granted only on the basis of some material error of law or some material error of fact.

ORDER

NOW, THEREFORE, IT IS ORDERED that respondent's request for a rehearing in this matter is denied.

DISCUSSION

The allegation that Dr. Bhore was employed by a clinic where he made no billings and received no compensation other than his salary may be deemed to be an allegation of a material error of fact. The Stipulated findings in this matter do not describe any underlying conduct by Dr. Bhore, however, but only indicate that the investigation pending before the board was based upon an investigation by the FBI identified as Complaint No. 209A-MW-30988. Dr. Bhore's factual allegation does not therefore constitute a material error of fact in the board's Final Decision and Order.

One of the alleged material errors in law, that Dr. Bhore had no knowledge of the charges against him, misses the point. At the time of the Stipulation, the board had not yet filed a formal complaint against him, and there were therefore not yet any formal charges against him. To the extent that this allegation implies that Dr. Bhore was unaware of the reason for the department's pending investigation, the Stipulation and Final Decision and Order both make clear that that investigation, which was closed in return for the surrender of Dr. Bhore's license, was based upon the FBI investigation. Moreover, any representation that he was unaware of the basis for the FBI investigation is simply not credible.

Finally, while it is undoubtedly true that Dr. Bhore's decision to resolve the matter through Stipulation was made without legal counsel, the Stipulation that he signed makes it fully clear that he had been made aware of his right to seek legal counsel and that he had been given the opportunity to do so. That he may now have changed his mind in that regard is not a basis for reopening the matter.

Dated this 15th day of March, 1999.

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

by _____

Ronald E. Grossman, M.D., Secretary

