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STATE OF WISCONSIN

BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

KURT HECOX, M.D.

FINAL DECISION AND ORDER

RESPONDENT

LS0007244MED

Division of Enforcement File No. 99 Med 133

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

Kurt Hecox, M.D.

9812 South Longwood Drive

Chicago, Il 60643

Wisconsin Medical Examining Board

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

Department of Regulation and Licensing

Division of Enforcement

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was entered into between Kurt Hecox, M.D., personally, and Pamela M. Stach, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. That Kurt Hecox, Respondent herein, of 9812 South Longwood Drive, Chicago, Illinois, 60643, is licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license number 22860 which was granted on March 3, 1980.
2. Wis. Adm. Code sec. Med 13.02 requires physicians licensed in the State of Wisconsin to obtain 30 hours of approved continuing education during the biennium immediately preceding any reregistration date.
3. Wis. Adm. Code sec. Med 13.05 requires physicians to retain evidence of compliance with the requirements of

sec. Med 13.02.

4. Wis. Adm. Code sec. Med. 13.06 permits the Medical Examining Board to audit compliance with secs. Med 13.02 and Med 13.05 by requiring any physician to submit evidence of completion of the continuing education requirements.

5. The Respondent registered to practice medicine and surgery in the State of Wisconsin for the 1999-2000 biennium.

6. The Medical Examining Board, through its agent, Wayne Haugen, requested the Respondent by letter to provide evidence of completion of the continuing education requirements obtained between January 1, 1997 through December 31, 1998 for registration for the biennium 1999-2000.

7. Investigator Haugen received no response from Respondent to the November 23 letter.

8. On December 21, 1999, Investigator Haugen again requested evidence of compliance from Respondent by certified mail #Z 143 438 987.

9. The Respondent did not provide the requested information.

10. On January 24, 2000, Investigator Haugen telephoned the Respondent and verbally requested evidence of completion of the continuing education requirements.

11. During the telephone conversation of January 24, Respondent agreed to provide the requested information.

12. Respondent did not provide the requested information.

13. On February 4, 2000, Investigator Haugen left a telephone message with Respondent's clinic office requesting that Respondent contact him.

14. Respondent did not comply with Investigator Haugen's request of February 4.

15. On February 7, 2000, Investigator Haugen left a telephone message with Respondent's clinic office requesting that Respondent contact him.

16. Respondent did not comply with Investigator Haugen's request of February 7.

17. On February 8, 2000, Investigator Haugen left a telephone message with Respondent's clinic office requesting that Respondent contact him.

18. Respondent did not comply with Investigator Haugen's request of February 8.

19. On February 10, 2000 Investigator Haugen again requested, by certified mail #Z 143-439-101, evidence of completion of the required continuing education from Respondent.

20. The envelope containing the February 10th letter was returned to Investigator Haugen by the U. S. Postal Service marked "unclaimed."

21. On February 15, 2000, Investigator Haugen left a telephone message with Respondent's clinic office requesting that Respondent contact him.

22. Respondent did not comply with Investigator Haugen's request of February 15.

23. On February 18, 2000, Investigator Haugen left a telephone message with Respondent's clinic office requesting that Respondent contact him

24. On February 18, 2000, Investigator Haugen was advised by a member of Respondent's office staff that Respondent was out of town until Monday, February 21, 2000.

25. On February 21, 2000, Investigator Haugen left a telephone message with Respondent's clinic office requesting that Respondent contact him.

26. Respondent did not comply with Investigator Haugen's request of February 21.

27. On February 21, 2000, Investigator Haugen sent a copy of his letter of February 10th, which requested evidence of completion of the required continuing education to Respondent by facsimile transmission.

28. No response has been received from Respondent.

29. On July 25, 2000, a formal complaint was filed against Respondent in this matter alleging failure to complete continuing medical education as required by Wis. Adm. Code Sec. Med 13.02 and the failure to provide evidence

of completion of continuing education requirements when requested under the authority granted the Medical Examining Board by Wis. Adm. Code Med sec. 1306.

30. On July 31, 2000, in response to the filing of the Complaint, Respondent provided 25 credits of Category 1 continuing medical education credits for the biennium 1997-1998.

31. On August 2, 2000, Respondent provided evidence of completion of 31 credits of continuing medical education for the biennium 1997-1998.

CONCLUSIONS OF LAW

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1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to sec. 448.02, Stats.
2. The Wisconsin Medical Examining Board has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.
3. Respondent's failure to provide evidence of continuing education requirements required to be maintained under Wis. Adm. Code sec. Med 13.05 when requested under the provisions of Wis. Adm Code Section 13.06 constitutes a violation of a valid rule of the Medical Examining Board.
4. Violation of a valid rule of the Medical Examining Board constitutes unprofessional conduct within the meaning of Wis. Stats. sec. 448.02 (3) and Wis. Adm. Code sec. Med 10.02(2)(a).

ORDER

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

IT IS FURTHER ORDERED that Kurt Hecox, M.D., is hereby REPRIMANDED.

IT IS FURTHER ORDERED that Kurt Hecox, M.D. shall pay partial costs in this matter in the amount of two hundred dollars (\$200) to the Department of Regulation and Licensing , P.O. Box 8935, Madison, Wisconsin 53708-8935, within thirty (30) days of the date of this Final Decision and Order.

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

Dated at Madison, Wisconsin, this 18th day of October, 2000.

STATE OF WISCONSIN

MEDICAL EXAMINING BOARD

Darold A. Treffert, M.D.

Secretary