

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DOUGLAS O. COREY, M.D.,
RESPONDENT

FINAL DECISION AND ORDER
LS9910221MED

The State of Wisconsin, Medical Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Medical Examining Board.

The Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs with the Department General Counsel within 15 days of this decision. The Department General Counsel shall mail a copy thereof to respondent or his or her representative.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 24th day of February, 2000.

Ronald Grossman, M.D.

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

DOUGLAS O. COREY, M.D.,
RESPONDENT.

PROPOSED DECISION AND ORDER
Case No. LS 9910221 MED

PARTIES

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

Douglas O. Corey, M.D.
3409 Harmony La. Apt. 4
Stevens Point, WI 54481

John R. Zwieg
Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

A hearing in the above-captioned matter was held on December 10, 1999, before Administrative Law Judge William A. Black. The Division of Enforcement appeared by Attorney John R. Zwieg. The respondent, Douglas O. Corey, M.D. appeared in pro per.

The respondent did not file an answer to the complaint.

Based on the entire record of this case, the undersigned administrative law judge recommends that the Medical Examining Board adopt as its final decision in this matter, the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The respondent, Douglas O. Corey, M.D., date of birth August 3, 1947, is currently licensed and registered to practice medicine and surgery by the Wisconsin Medical Examining Board in the state of Wisconsin pursuant to license number 27952, which was first granted October 31, 1986. The license expired October 31, 1999 and has not been renewed.
2. Respondent's last address reported to the Department of Regulation and Licensing is 3409 Harmony Lane, Apt. 4, Stevens Point, WI 54481.
3. Respondent specializes in psychiatry.
4. Respondent was served according to statute.
5. Respondent failed to file an answer to the complaint.
6. Respondent was employed as a psychiatrist in the Mental Health Department of the Rice Clinic Medical Center (RCMC) in Stevens Point, Wisconsin from August 15, 1994 until May 30, 1996.
7. The respondent, during his employment at RCMC from August 15, 1994 until May 30, 1996, failed to make records of his patient's clinical visits which a minimally competent physician would have made.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this matter pursuant to section 448.02(3), Stats.
2. The respondent's conduct, as described in the findings of fact constitutes unprofessional conduct as defined by Wis. Adm. Code § MED 10.02(h) for engaging in conduct which tends to constitute a danger to the patient and subjects respondent to discipline pursuant to § 448.02(3), Stats.
3. The respondent's conduct described in the findings of fact from May 1, 1996 through May 30, 1996, violates Wis. Adm. Code § MED 21.03 (2) for failing to maintain adequate patient clinical records and constitutes unprofessional conduct as defined by Wis. Adm. Code § MED 10.02 (2) (a) .

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The respondent, Douglas O. Corey, M.D., shall not renew his license to practice medicine and surgery in the state of Wisconsin, until he has:
 - a. Taken and satisfactorily completed a two day education program in medical record keeping, which shall first be approved by the board, and has provided proof sufficient to the board that he has done so.

b. Requests for approval of an educational program, proof of satisfactory completion of an approved educational program required by this order shall be mailed or delivered to:

Department Monitor

Department of Regulation and Licensing

Division of Enforcement

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

2. Costs are awarded to the complainant.

OPINION

The respondent appeared at the day and time of the hearing, although no answer was filed prior to the respondent's appearance. At the hearing the respondent testified that his records were "substandard". This testimony was elicited after the respondent's review of the complaint, exhibits admitted into evidence, and other materials not introduced into evidence by the complainant's attorney. The respondent testified as follows:

DR. COREY: Well, the records were substandard. I won't contest that. (Tr. p. 8, ln 2-3)

It is reasonable to infer that this stipulation to the allegations of the complaint, although phrased in non legal terminology, was understood by the respondent to mean that he agreed the conduct alleged in fact occurred and that it constituted the enumerated violations of the Wisconsin Administrative Code.

The respondent's greater concern, or what he wanted to "contest", was that the complainant's attorney correct a misstated date of employment to reflect a termination of employment with RCMC on May 30, 1996. This proposed order reflects the corrected date, to which the complainant's attorney consented by way of verbal amendment at the hearing.

As to the proposed discipline in this matter, it is noted that the respondent's license has not been renewed. The respondent and the complainant's attorney agreed that the respondent should take a course in recordkeeping. That agreement is reflected in this proposed order with the proviso that an approved recordkeeping course shall be completed as a precondition to renewal of respondent's license. Given the forthcoming nature of the respondent and the mitigating facts placed into evidence regarding the working conditions at the time alleged, the discipline proposed here will adequately protect the public from risk of future harm. The respondent will also benefit from additional education aimed at correcting professional practices that were admittedly substandard.

The complainant's attorney requested during the hearing that the discipline proposed here be ordered. Later, following the hearing, the complainant's attorney directed correspondence to the undersigned dated December 29, 1999 requesting not only the discipline proposed here, but additionally as a precondition to renewal that the respondent:

"b. Provided proof sufficient to the Board that he does not suffer from any psychiatric or psychological condition which interferes with his ability to practice medicine and surgery with reasonable skill and safety to patients."

This request for proof of fitness to practice is rejected as a term of discipline, and the board is also urged to reject any attempt to create a variance including this term of discipline. It is a fundamental due process right codified by statute and rule and backed by case law, that a credential holder be given notice of the claims alleged and the bases therefore, in order to prepare an adequate defense. No allegations of professional impairment based upon a psychiatric or psychological condition are alleged in the current complaint. The complainant's attorney and the respondent did touch upon certain matters at the hearing that may or may not warrant further investigation. However, those matters are not explicitly addressed here because they are not relevant at all to this proposed decision and order. The respondent's mental condition at the time alleged in the complaint was not alleged to be at issue, was not litigated, and the respondent had no notice to suggest otherwise. Due process requires more. *Bracegirdle v. Board of Nursing*, 159 Wis. 2d 402 (Ct.App.1990)

There is no substantial justification in facts or law to impose the additional discipline suggested by the complainant's attorney.

Dated at Madison, Wisconsin, this 26th day of January 2000.

STATE OF WISCONSIN

DEPARTMENT OF REGULATION & LICENSING

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P.O. Box 8935

Madison, Wisconsin 53708

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William Anderson Black