

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE PODIATRISTS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF

DISCIPLINARY PROCEEDINGS AGAINST:

DAVID JOHN LABADIE, D.P.M.,

FINAL DECISION AND ORDER

RESPONDENT

LS0108061POD

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

David John Labadie

1920 Capitol Drive

Milwaukee, WI 53211

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 David John Labadie , formerly known as David J. Falk (dob 09-15-1959) is and was at all times relevant to the facts set forth herein a podiatrist licensed in the State of Wisconsin pursuant to license # 562, first granted on June 19, 1986.
2. During the period January 1, 1991, to December 11, 1996, Respondent submitted claims for payment to Medicare for routine foot-care services that included a false diagnosis for peripheral vascular disease. Pursuant to an agreement entered into with the U.S. Department of Justice Respondent has repaid to the Federal government the sum of \$ 48,465.25, and has agreed to monitoring for a period of three years.

CONCLUSIONS OF LAW

3. The Wisconsin Podiatrists Affiliated Credentialing Board has jurisdiction to act in this matter pursuant to

§448.675(1), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

4. The conduct described in paragraph 2, above, violated sec. 448.675(1)(b) Stats. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED,

1. The attached Stipulation is accepted.
2. David John Labadie is REPRIMANDED for his unprofessional conduct.
3. The license to practice of Respondent is LIMITED, in that Respondent shall comply in all respects with the integrity requirements contained in the settlement agreement entered into by the Respondent and the United States of America dated December 27, 1999 (incorporated herein by reference). Further, Respondent shall cause copies of all reports and audits required by paragraph 5 of the settlement agreement with the United States of America to simultaneously be filed with the Department Monitor, Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, WI 53708-8935, FAX (608) 261-2264, TEL (608) 267-7938. It shall be the responsibility of Respondent to promptly notify the Department Monitor of any suspected violation of any of the terms of the settlement agreement with the United States of America, which shall be considered to be a violation of this Order. Respondent shall comply with all provisions of sec. 448.675(1)(d) Stats. concerning a practitioner under a limited license.
4. After five years of continuous active professional practice under the terms of this Order and upon evidence of continuous compliance with the terms and conditions of the settlement agreement with the United States of America dated December 27, 1999, Respondent may petition the Board for a termination of all limitations on his license and restoration of an unlimited license. Such restoration shall be in the sole discretion of the Board, and denial of the petition in whole or in part shall not be considered a denial of license within the meaning of sec. 227.01(3)(a) Stats.
5. Respondent shall pay to the Department of Regulation and Licensing the costs of investigating and prosecuting this matter in the amount of \$ 400.00, within 30 days of this order.
6. This Order shall take effect upon signing.

Dated this 6th day of August, 2001.

WISCONSIN PODIATRISTS AFFILIATED CREDENTIALING BOARD:

Lisa Reinicke

A member of the Board