

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
NICKOLAS P. TIERNEY, M.D., : LS# 0505185MED  
RESPONDENT. :

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[Division of Enforcement Case # 04 MED 324]

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

Nickolas P. Tierney, M.D.  
1030 Cty Rd E W, Suite 200  
Shoreview, MN 55126

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Medical Examining Board  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Medical Examining 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. Nickolas P. Tierney, M.D., Respondent, date of birth December 10, 1961, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin, pursuant to license number 34291, which was first granted April 28, 1993.

2. Respondent's last address reported to the Department of Regulation and Licensing is 1030 Cty Rd E W, Suite 200, Shoreview, MN 55126. The Division of Enforcement has determined that Respondent's current address is 620 Countryside Lane, Hudson, WI 54016.

3. Respondent's practice specialty is obstetrics and gynecology.

4. Until approximately February 2005, Respondent practiced at the Kendall Center For Women in Shoreview, Minnesota.

5. On April 9, 2005, the Minnesota Board of Medical Practice (Minnesota Board) and Respondent entered into a Stipulation and Order for Indefinite Suspension by which the Minnesota Board took disciplinary action against Respondent indefinitely suspending Respondent's Minnesota Medical License. Included in the facts stipulated to by the Minnesota Board and Respondent:

a. Respondent began psychiatric treatment for bipolar disorder on July 10, 2003. In August 2003, Respondent's diagnosis changed from depression/anxiety to atypical bipolar disorder characterized by hypomania. Respondent was taking Lithium 1200mg/day for this condition. Respondent was referred to the Health Professionals Services Program (HPSP) for monitoring.

b. On January 6, 2005, Respondent reported to HPSP that his current symptoms included inability to focus or stay focused on task, memory lapses and shallow concentration abilities.

c. On February 2, 2005, Respondent reported to HPSP that he was disabled and that he had stopped practicing medicine. Respondent's HPSP monitoring plan was amended to require that he refrain from medical practice until further notice.

d. On February 28, 2005, Respondent admitted to HPSP that he had used cocaine on occasion for three to four years, with the most recent use within the past two weeks. Respondent also admitted to using marijuana two to three times per week, with the most recent use occurring on February 26, 2005. Respondent stated he would be entering an inpatient treatment program in Arizona in March 2005.

6. The Minnesota Board, in the exercise of its discretion, may end the indefinite suspension of Respondent's Minnesota Medical License upon Respondent submitting evidence satisfactory to the Board that he is fit and competent to resume practice with reasonable skill and safety to patients.

7. On March 16, 2005, Respondent entered an inpatient treatment program in the state of Arizona.

8. Respondent has informed the Division of Enforcement that he is willing to voluntarily surrender his license to practice medicine and surgery in the state of Wisconsin.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3) and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. §§ 227.44(5) and 448.02(5).

2. Respondent, by having had disciplinary action taken against his Minnesota Medical License by the Minnesota Board of Medical Practice, has committed unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(q), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Nickolas P. Tierney, M.D., of his license to practice medicine and surgery in the state of Wisconsin is hereby ACCEPTED, effective immediately.

2. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$500.00 pursuant to Wis. Stat. § 440.22(2).

3. Payment 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  
Fax (608) 266-2264  
Telephone (608) 267-3817

Wisconsin Medical Examining Board

By: Bhupinder S. Saini, M.D.  
A Member of the Board

May 18, 2005  
Date