

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PODIATRISTS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
JAMES C. BOUDREAU, D.P.M. : LS0802191POD
RESPONDENT. :

[Division of Enforcement Case # 04 POD 005]

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

James C. Boudreau, D.P.M.
6191 S. 108th Street
Hales Corners, WI 53130

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

Wisconsin Podiatrists Affiliated Credentialing 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 Podiatrists Affiliated Credentialing Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. James C. Boudreau, D.P.M., Respondent, date of birth October 7, 1945, is licensed by the Wisconsin Podiatrists Affiliated Credentialing Board to practice podiatric medicine and surgery in the state of Wisconsin pursuant to license number 349, which was first granted August 25, 1969.

2. Respondent's last address reported to the Department of Regulation and Licensing is 6191 S. 108th Street, Hales Corners, WI 53130.

3. Rural Wisconsin Health Cooperative (RWHC) is an organization which verifies the credentials of health care professionals for hospitals and managed care plans.

4. In the fall of 2002, RWHC was asked by WEA Trust to verify Respondent's credentials.

a. On October 3, 2002, Respondent signed and submitted to RWHC an application form on which, following the heading "BOARD CERTIFICATION/REGISTRATION," was handwritten "ABPS" (the acronym for American Board of Podiatric Surgeons), and following the heading "Dates (from/to)," was handwritten "1997-2007."

b. A credentialing assistant at RWHC reviewed the American Board of Podiatric Surgery's book and on October 31, 2002, reported to WEA Trust that Respondent was not board certified.

5. In the latter part of 2003, RWHC was asked by Independent Care Health Plan (I-Care) to verify Respondent's credentials.

a. On December 1, 2003, Respondent signed and submitted to RWHC an application form on which, following the heading "CURRENT CERTIFICATION," was handwritten "American Board of Podiatric Surg." and following the heading "Expiration Dates," was handwritten "Aug 2007."

b. A credentialing assistant at RWHC reviewed the September 2003 edition of the American Board of Podiatric Surgery's book and reported to I-Care that Respondent was not board certified.

c. I-Care sought verification from Respondent of his board certification. In response, someone in Respondent's office sent I-Care a copy of an American Board of Podiatric Surgery certificate dated August 8, 1997 and expiring August 2007, which purportedly was issued to Respondent. The copy had been altered from the original by deleting the name of Matthew Keast, the podiatrist to whom it had been issued, and substituting Respondent's name as the diplomate. It included the certificate number for Dr. Keast.

d. I-Care provided the copy of the certificate to RWHO. RWHO sent it to the American Board of Podiatric Surgery, which responded that it was a forgery and that Respondent had never been certified by them.

6. Respondent acknowledged to the Department's Division of Enforcement that he was never certified by the American Board of Podiatric Surgeons and that false credentials were sent to I-Care. He was asked to explain the circumstances and said that he took full responsibility. In his response, Respondent contended that he relies on his staff to assist in completion of forms for insurance companies and further contended:

"In late August or early September of 1997, Dr. Matthew Keast was Board Certified for ABPS. In December of that year, I was presented at Christmas with a gift from my staff as a "joke." A plaque with my name on an ABSP Certification, they had simply placed my name on Dr. Keast's certificate. At the time I thought it was funny and then instead of being destroyed, it was placed in a certificate storage drawer in my personal office."

7. Dr. Keast was contacted by the Division of Enforcement. He said that he worked with Respondent from 1991 through 1997, but he knew nothing about a "joke" certificate for Respondent having been created from Dr. Keast's American Board of Podiatric Surgeons certificate.

CONCLUSIONS OF LAW

1. The Wisconsin Podiatrists Affiliated Credentialing Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.675(1) and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by making false written statements in practicing under his license, has committed unprofessional conduct as defined by Wis. Adm. Code § Pod 2.01(12), and is subject to discipline pursuant to Wis. Stat. § 448.675(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, James C. Boudreau, D.P.M., is hereby REPRIMANDED for the above conduct.

2. Respondent's license is LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent shall provide proof sufficient to the Board, or its designee, of Respondent's satisfactory completion of a total of 3 hours of continuing education in the area of ethics, which course(s) shall first be approved by the Board, or its designee.

b. These hours of continuing education shall be in addition to, and shall not be counted toward fulfillment of, the continuing education required for biennial registration by Wis. Stat. § 448.665 and Wis. Adm. Code chpt. Pod 3.

c. Upon Respondent providing proof sufficient to the Board, or its designee, that he has completed the education, the Board or its designee shall issue an Order removing this limitation of Respondent's license.

3. 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 \$525.00 pursuant to Wis. Stat. § 440.22(2).

4. Requests for approval, notification of completion of educational programs and payment shall be faxed, mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

5. In the event that Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order is effective on the date of its signing.

Wisconsin Podiatrists Affiliated Credentialing Board

By: Ian Furness
A Member of the Board

2/19/08
Date

STATE OF WISCONSIN
BEFORE THE PODIATRISTS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
JAMES C. BOUDREAU, D.P.M. : LS _____ POD
RESPONDENT. :

[Division of Enforcement Case # 04 POD 005]

It is hereby stipulated and agreed, by and between James C. Boudreau, D.P.M., Respondent; and John R. Zwieg attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (file 04 POD 005). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or his attorney, if any, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

James C. Boudreau, D.P.M.
Respondent
6191 S. 108th Street
Hales Corners, WI 53130

Date

John R. Zwieg
Attorney for Complainant
Division of Enforcement
P.O. Box 8935
Madison, WI 53708

Date