

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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Before The
State Of Wisconsin
MEDICAL EXAMINING BOARD

In the Matter of the Disciplinary Proceedings
Against **MICHAEL N. MANGOLD, M.D.**,
Respondent

FINAL DECISION AND ORDER
Order No. 0002433

Division of Legal Services and Compliance Case No. 12 MED 103

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, make 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 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 at Madison, Wisconsin on the 15 day of May, 2013.

Member
Medical Examining Board



Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

In the Matter of the Disciplinary Proceedings
Against **MICHAEL N. MANGOLD, M.D.**,
Respondent

PROPOSED DECISION AND ORDER
DHA Case No. SPS-12-0066
ORDER 0002433

Division of Legal Services and Compliance Case No. 12 MED 103

The parties to this proceeding for purposes of Wis. Stat §§ 227.47(1) and 227.53 are:

Michael N. Mangold, M.D.
Mangold Center for Family Health
120 North Main Street, Suite 120
West Bend, WI 53095

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Safety and Professional Services, Division of Legal Services and
Compliance, by

Attorney Kim M. Kluck
Department of Safety and Professional Services
Division of Legal Services and Compliance
P. O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

These proceedings were initiated when the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division), served a formal Complaint on Respondent Michael N. Mangold on September 21, 2012. The Complaint alleged

that Dr. Mangold engaged in the practice of medicine and surgery while his license was suspended due to nonpayment of taxes and that he was therefore subject to disciplinary action pursuant to Wis. Stat. § 448.02(3). Dr. Mangold filed a written Answer dated November 11, 2012.

On January 25, 2013, the Division filed a motion for summary judgment. On that same date, Dr. Mangold filed a response to the Division's motion and also requested summary judgment in his favor. The Division filed a response to Dr. Mangold's request for summary judgment on February 4, 2013 and a reply to his response to the Division's motion on February 25, 2013

On March 11, 2013, the undersigned Administrative Law Judge (ALJ) granted the Division's motion for summary judgment with respect to the issue of whether Dr. Mangold practiced medicine without a license in violation of Wis. Stat. § 448.03(1)(1), and denied Dr. Mangold's motion for summary judgment. The ALJ concluded that as a result of Dr. Mangold's violation of Wis. Stat. § 448.03(1)(a), discipline may be imposed pursuant to Wis. Stat § 448.02(3) and costs imposed pursuant to Wis. Admin. Code § SPS 2.18. However, the ALJ did not grant summary judgment on the issue of what discipline, if any, was appropriate, or what amount in costs should be imposed. Instead, the summary judgment order set a telephone status conference for March 18, 2013, at which the parties were to inform the ALJ whether the issues of discipline and costs may be determined on the basis of the parties' written submissions or whether a hearing on the issues of discipline and costs should be held.

Dr. Mangold failed to appear at the March 18, 2013 telephone conference. The ALJ issued a briefing order on March 18, 2013, setting a deadline of March 25, 2013 for the Division to file a brief on the issues of discipline and costs and a deadline of April 8, 2013 for Dr. Mangold to file a response. The Division filed its brief on March 22, 2013. Dr. Mangold failed to file a response.

FINDINGS OF FACT

Findings of Fact Related to the Violation of Wis. Stat. § 448.03(1)(a)

Findings of Fact 1-7, which form the basis for the determination that Dr. Mangold practiced medicine without a license in violation of Wis. Stat. § 448.03(1)(a), are set forth in the attached March 11, 2013 Summary Judgment Order and incorporated by reference herein.

Additional Findings of Fact Related to Issues of Discipline and Costs

8. On January 24, 2007, the Wisconsin Medical Examining Board (Board) concluded in Division Case No. 03 MED 029 that Dr. Mangold had violated Wis. Stat. § 448.02(3) and Wis. Admin. Code § MED 10.02(2)(h). The conduct in that case occurred in 2002, when Dr. Mangold failed to properly evaluate an emergency room patient. Dr. Mangold's misconduct resulted in a 3-day delay of treatment of a large right hemothorax, and a fractured rib, in a patient who was also diagnosed with anemia, severe scoliosis and neurofibromatosis. The Board ordered Dr. Mangold to complete 15 hours of continuing education in the evaluation and treatment of cardiothoracic injuries. Dr. Mangold completed the education as ordered.

9. On June 16, 2010, in Division Case No. 07 MED 112, the Board concluded that Dr. Mangold had repeatedly failed to keep and maintain patient health care records during 2006-2007, in violation of Wis. Admin. Code § Med 21.03, Wis. Admin. Code § MED 10.02(2)(a), (z) and (za), and Wis. Admin. Code § HFS 124.14(3)(c). The Board issued a Reprimand and ordered Dr. Mangold to satisfactorily complete the Intensive Course in Medical Record Keeping offered by Case Western University School of Medicine. The Board further ordered Dr. Mangold to pay costs of the investigation, in the amount of \$650, within 90 days of June 16, 2010. Dr. Mangold completed the education as ordered. However, he failed to pay costs as ordered.

10. On December 15, 2010, in Division Case No. 10 MED 320, the Board summarily suspended Dr. Mangold's license for again failing to complete patient medical records and for

failure to pay costs as ordered in Division Case No. 07 MED 112. On January 19, 2011, the Board concluded that in Division Case No. 10 MED 320, Dr. Mangold had failed to keep and maintain patient health care records from June 10, 2010 through September 24, 2010, in violation of Wis. Admin. Code § MED 10.02(2)(za) and (h). The Board issued a Reprimand and ordered Dr. Mangold to retain a professional mentor for patient health care records who would be required to randomly review records to determine whether the records were timely and complied with the requirements of Wis. Admin. Code ch. MED 21. The Board further ordered Dr. Mangold to pay costs of the investigation in the amount of \$900.

11. On January 24, 2013, the Board summarily suspended Dr. Mangold's license for failure to comply with the professional mentoring requirements set forth in its January 19, 2011 order in Division Case No. 10 MED 320.

DISCUSSION AND CONCLUSIONS OF LAW

Violation

The discussion and conclusions of law pertaining to Dr. Mangold's violation of Wis. Stat. § 448.03(1)(a) are set forth in the attached March 11, 2013 Summary Judgment Order and incorporated by reference herein. As a result of the violation established in that Order, discipline may be imposed pursuant to Wis. Stat. § 448.02(3), and costs imposed pursuant to Wis. Admin. Code § SPS 2.18.

Discipline

The three purposes of discipline are: (1) to promote the rehabilitation of the licensee; (2) to protect the public from other instances of misconduct; and (3) to deter other licensees from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 237 N.W.2d 689 (1976).

The Division requests that Dr. Mangold's license be suspended indefinitely, with no stay of the suspension for at least 60 days from the date of the final decision and order in this matter.

The Division recommends that the suspension¹ only be lifted upon a showing to the Board that Dr. Mangold recognizes the authority of the Board and understands his obligations to comply with the Board's orders. Based on the following, the Division's recommended discipline is appropriate.

As set forth in the Findings of Fact above, Dr. Mangold has been disciplined on several prior occasions, which has included being reprimanded twice and having his license summarily suspended twice. He has also disregarded prior Board orders. The instant case involves Dr. Mangold's practice of medicine without a valid license following the Department's denial of his license renewal application due to Dr. Mangold's delinquent taxes.

I agree with the Division that Dr. Mangold "has shown a disturbing indifference to Board orders, to tax laws and to notification of license suspension" (Division's March 21, 2013 Brief, p. 5), and that anything short of a suspension would be pointless given that reprimands and limitations on his license have been ineffectual in the past. A suspension will best serve the purposes of discipline, rehabilitation, protection of the public and deterrence. Such discipline will promote Dr. Mangold's rehabilitation by impressing upon him the importance of complying with Board orders and will deter others from ignoring Board orders and professional responsibilities. It will also protect the public from conduct which jeopardizes patient safety by disregarding medical standards and the Board's authority.

Costs

The Division argues that Dr. Mangold should be required to pay the full costs of the investigation and disciplinary proceedings in this matter.

¹ In its Brief in Support of Discipline and Costs, the Division requests that the "stay" only be lifted upon the requisite showing to the Board. However, I assume that the Division meant "suspension" rather than "stay," as the Division also requests that there be no stay of the indefinite suspension for at least 60 days from the date of the final decision and order in this case.

Factors to consider in imposing costs include:(1) the number of counts charged, contested and proven; (2) the nature and seriousness of the misconduct; (3) the level of discipline sought by the Division; (4) the cooperation of the respondent; (5) any prior discipline; and (6) the fact that the Department is a program revenue agency, funded by other licensees, and the fairness of imposing the costs of disciplining a few members of the profession on the vast majority of the licensees who have not engaged in misconduct *See In the Matter of Disciplinary Proceedings against Elizabeth Buenzli-Fritz* (LS 0802183 CHI).

In the instant case, although only one count was alleged and proven, it was a serious charge – practicing without a valid medical license. Moreover, Dr. Mangold has been disciplined on several prior occasions by the Board, including twice for failing to comply with the Board’s orders. I also note that Dr. Mangold’s cooperation in these proceedings has been sketchy, with Dr. Mangold ignoring the ALJ’s order to appear by telephone on March 18, 2013, missing a scheduled prehearing conference on October 29, 2012, failing to submit additional materials as requested by the ALJ’s February 25, 2013 Order, failing to file a brief on the issue of discipline and costs, as ordered in the ALJ’s March 18, 2013 Order, and making unfounded allegations of ethical violations against Attorney Kluck and threatening to report her to the Wisconsin Supreme Court and Wisconsin State Bar. Finally, I note that it would be unfair to impose the costs of these proceedings on the vast majority of physicians who conduct themselves in a professional manner. Based on the foregoing, I conclude that imposition of the full costs of this proceeding on Dr. Mangold is appropriate.

ORDER

For the reasons set forth above, IT IS ORDERED:

1. Dr. Mangold’s license is suspended indefinitely, with no stay of the suspension for at least 60 days from the date of the final decision and order in this matter. The suspension may be

lifted only upon a showing to the Board that Dr. Mangold recognizes the authority of the Board and understands his obligation to comply with Board orders.

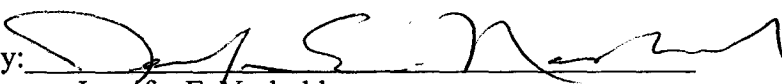
2. Dr. Mangold shall pay the costs of the investigation and prosecution in this matter in an amount to be established pursuant to Wis. Admin. Code § SPS 2.18. After the amount is established, payment shall be made by certified check or money order payable to the Wisconsin Department of Safety and Professional Services and sent to:

**Department Monitor
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935**

3. The ordered terms of this decision are effective the date the Board signs the final decision and order in this matter.

Dated at Madison, Wisconsin on April 15, 2013.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 264-9885

By: 
Jennifer E. Nashold
Administrative Law Judge

Attachment: Summary Judgment Order, dated March 11, 2013

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Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

In the Matter of the Disciplinary Proceedings Against
MICHAEL N. MANGOLD, M.D., Respondent

DHA Case No. SPS-12-0066
DLSC Case No. 12 MED 103

ORDER 0002433

SUMMARY JUDGMENT ORDER

TO: Michael N. Mangold, M.D.
Mangold Center For Family Health
120 North Main Street, Suite 120
West Bend, WI 53095

Attorney Kim M. Kluck
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

The above-captioned matter is before this tribunal on a motion for summary judgment filed on January 25, 2013 by the Department of Safety and Professional Services, Division of Legal Services and Compliance (Division). Respondent, Dr. Michael Mangold, M.D., filed a response to the Division's motion on January 25, 2013, which also requested summary judgment in his favor. The Division filed a response to Dr. Mangold's request for summary judgment on February 4, 2013 and a reply to his response to the Division's motion for summary judgment on February 25, 2013. The administrative law judge (ALJ) requested additional information from the parties on February 25, 2013, which was to be provided no later than March 6, 2013. In response to the ALJ's February 25, 2013 Order, the Division filed additional submissions on March 4, 2013. Dr. Mangold did not respond to the ALJ's request for further information.

UNDISPUTED MATERIAL FACTS

1. Respondent Michael Mangold, M.D., is licensed and currently registered by the Wisconsin Medical Examining Board (Board) to practice medicine and surgery in the State of

Wisconsin pursuant to license number 20-32850, which was first granted on December 19, 1991.
(Complaint ¶ 1; Answer ¶ 1)

2. On November 4, 2011, the Wisconsin Department of Revenue (Revenue) mailed an Occupational License Denial Warning to Dr. Mangold, a copy of which was provided to the Department on December 20, 2011. On December 20, 2011, Revenue filed a Memorandum and a Certificate of Delinquent Taxes with the Department indicating that Dr. Mangold remained liable for delinquent taxes. (Complaint, ¶ 7; Affidavit of TJ O'Shae (O'Shae Aff.), ¶¶ 3-4, Exhibits A and B)

3. On January 18, 2012, the Department mailed Dr. Mangold a Notice of Denial, dated January 13, 2012, notifying him that his application for renewal of his certificate of registration had been denied because of delinquent taxes and that his right to continue to practice would expire in 30 days. (Complaint, ¶ 8; Answer, ¶ 8; O'Shea Aff., ¶ 4, Exhibit C)

4. On February 21, 2012, the Department changed the status of Dr. Mangold's license from "active" status to "denied due to tax delinquency" status which does not permit him to practice medicine and surgery in the State of Wisconsin. (Complaint, ¶ 8; Answer, ¶ 8; O'Shae Aff., ¶ 6)

5. From February 21, 2012, through March 22, 2012, Dr. Mangold engaged in the practice of medicine at the Mangold Center for Family Health. (Affidavit of Beth Cramton (Cramton Aff.), ¶¶ 3-5, Exhibit F)

6. On March 30, 2012, the Department received an Occupational License Clearance Certificate from Revenue stating the requirements for maintaining Dr. Mangold's license had been met. (Complaint, ¶ 12; Answer, ¶ 12; O'Shae Aff., ¶ 7, Exhibit E)

7. On April 3, 2012, Dr. Mangold's license to practice medicine and surgery was restored to active status. (Complaint, ¶ 13; Answer, ¶ 13; O'Shae Aff., ¶ 8)

DISCUSSION

Standards Governing Summary Judgment

“The summary judgment procedure as provided in s. 802.08, Stats., shall be available to the parties upon approval by the division or the administrative law judge.” Wis. Admin. Code § HA 1.10(2).

Pursuant to Wis. Stat. § 802.08, summary judgment “shall be rendered if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” Wis. Stat. § 802.08(2). “When a motion for summary judgment is made and supported as provided in this section [§ 802.08], an adverse party may not rest upon the mere allegations or denials of the pleadings but the adverse party's response, by affidavits or as otherwise provided in this section, must set forth specific facts showing that there is a genuine issue for trial.” Wis. Stat. § 802.08(3). “If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against such party.” *Id.*

“A motion for summary judgment may be made on the basis of the pleadings or other portions of the record in the case or it may be supported by affidavits and a variety of outside material.” *Tews v. NHI, LLC*, 2010 WI 137, ¶ 49, 330 Wis. 2d 389, 793 N.W.2d 860 (citation omitted). On a motion for summary judgment, the facts are construed in favor of the non-moving party. *DeHart v. Wis. Mut. Ins. Co.*, 2007 WI 91, ¶ 7, 302 Wis. 2d 564, 734 N.W.2d 394.

Request for Admissions

In administrative proceedings, discovery is governed by Chapters 227 and 804 of the Wisconsin Statutes. Wis. Admin. Code § HA 1.10(1). In the November 29, 2013 Prehearing Conference Report and Scheduling Order the parties were advised: “The usual rules of civil procedure shall govern time limits for discovery, unless the parties request otherwise and the ALJ agrees. Enclosed is a copy of the general statute governing discovery, Wis. Stat. § 804.01. Other provisions related to discovery may be found in Chapter 804 of the Wisconsin Statutes.”

Requests for admission must be answered within 30 days of service. Wis. Stat. § 804.11(1)(b). If no written answer or objection is served within the 30-day time period, “[t]he matter is admitted.” “Any matter admitted under [Wis. Stat. § 804.11] is conclusively established unless the court on motion permits withdrawal or amendment of the admission.” Summary judgment may be based upon a party's failure to respond to a request for admission, even if an admission would be dispositive of the entire case. *See Bank of Two Rivers v. Zimmer*, 112 Wis. 2d 624, 334 N.W.2d 230 (1983).

On December 7, 2012, the Division served upon Dr. Mangold Complainant’s First Request for Admissions and Interrogatories (Request for Admissions), dated December 7, 2012. (Cramton Aff., ¶ 3, Exhibit F). The Division’s Request for Admissions stated at the outset: “Pursuant to Wis. Stat. § 804.11, Complainant requests Michael N. Mangold, M.D., Respondent herein, to make the following admissions for the purpose of this action only, within 30 days after service of this request. . . .”

The two requests for admissions stated:

1. That from February 21, 2012, through February 29, 2012, Respondent engaged in the practice of medicine at the Mangold Center for Family Health.

____ Admit ____ Deny

2. That from March 1, 2012, through March 22, 2012, Respondent engaged in the practice of medicine at the Mangold Center for Family Health.

 Admit Deny

The Division did not receive a response to the Request for Admissions until January 25, 2013, in an envelope postmarked January 18, 2013.

The 30-day time period for Dr. Mangold to file a response expired on January 9, 2013. *See Wis. Stat. §§ 804.11(1)(b) and 801.15(5)(a)* (if a notice or paper is served by mail, 3 days shall be added to the prescribed period). The Division did not receive Dr. Mangold's mailed response to the Request for Admissions until January 25, 2013, which was 16 days after expiration of the 30-day time period.

Dr. Mangold never offered any explanation as to why he failed to respond in a timely manner to the Request for Admissions, nor did he ever object to the request or seek additional time to respond. For purposes of this summary judgment proceeding, it is therefore deemed admitted, and found as an undisputed material fact (see Finding of Fact # 5), that Dr. Mangold engaged in the practice of medicine at the Mangold Center for Family Health from February 21, 2012, through March 22, 2012.

It is further noted that Dr. Mangold has not submitted any affidavits or other proof that he did not engage in the conduct that was the subject of the Request for Admissions, namely, that he practiced medicine from February 21, 2012 through March 22, 2012. Indeed, in his Answer to the Complaint filed in this matter dated November 11, 2012, he did not deny that he practiced medicine during the time period alleged. Instead, he stated that he believed he was authorized to practice medicine during that time. In response to the allegation contained in paragraph 11 of the Complaint that "[f]rom February 21, 2012 until March 23, 2012, Respondent practiced as a physician without a current license," Dr. Mangold responded: "Disagree. According to how I

understood the letter dated January 18th, my ability to practice medicine in the state was still intact. I received a phone call from Atty. Schramm I believe on March 23rd, informing me (for the first time) of this. I immediately closed the clinic and started working on a solution with the Department of Revenue.”

Approximately two months later, Dr. Mangold’s response to the allegations had become somewhat more refined. For example, in his untimely response to the Request for Admissions received by the Department on January 25, 2013,¹ Dr. Mangold wrote at the bottom of the Request for Admissions, “No patients scheduled or charted for medical care during this time. Dietary & exercise counseling were done by me at times as well as reflexology & massage therapy by the respective practitioners. I was at dolphin therapy for my son in Florida most of March.” Similarly, in his unsworn response to the Division’s motion for summary judgment, he states that there were no appointments made for him to see patients during the relevant time period, that he was in Florida most of that time and that “[t]here were times I was in the clinic when we were back in town but that was to do paperwork and catch up on charting.” He further stated, “The Clinic was still open to the reflexologist and massage therapist who rented the space from us. I honestly did not know that was a violation of the suspension and still have a hard time believing it. When Attorney Schramm called on 3/23/12 and informed me that NO ONE was supposed to be seen because the suspension was tied to the clinic’s NPI as well as mine, it took me as a huge surprise. . . .”

¹ Dr. Mangold’s Response to the Request for Admissions was provided by the Division pursuant to the ALJ’s Order issued on February 25, 2013, which directed the parties to submit any evidence within their possession of the date on which Dr. Mangold responded to the Request for Admissions. This Order was issued because of the suggestion contained in Dr. Mangold’s response to the motion for summary judgment that the Division’s attorney withheld Dr. Mangold’s response from the ALJ and should be reported to the Wisconsin Supreme Court. The Order provided Dr. Mangold with the opportunity to back up his serious allegation that the Division withheld information by providing proof that he had in fact responded to the Request for Admissions. No such information was provided by Dr. Mangold whereas the Division submitted proof that Dr. Mangold’s response to the Request for Admissions was not filed with the Department until January 25, 2013. I conclude that Dr. Mangold’s allegation that the Division’s counsel withheld information is unfounded.

Even if Dr. Mangold's responses as contained in his Answer and in his response to the motion for summary judgment could be construed as a denial that he practiced medicine during the relevant time period, the outcome would not change with respect to this issue. Where no written answer or objection is served within the 30-day time period contained in Wis. Stat. § 804.11(1)(b), the matters are deemed admitted even though the recipient of the request for admissions may have denied those same facts in his Answer. *See Bank of Two Rivers*, 112 Wis. 2d at 630-31.

Moreover, I conclude that Dr. Mangold's Answer did not contain a denial that he practiced medicine from February 21, 2012 through March 22, 2012 and that the unsworn assertions contained in Dr. Mangold's response to the motion for summary judgment are not sufficient to establish a disputed issue of material fact for purposes of summary judgment proceedings on the issue of whether Dr. Mangold practiced medicine during the relevant time period. Thus, it is established that Dr. Mangold practiced medicine from February 21, 2012 through March 22, 2012.

Violation of Wis. Stat. § 448.03(1)

Wisconsin Stat. § 440.12 requires the Department to deny an application for any credential renewal if Revenue certifies that the credential holder is liable for delinquent taxes. Further, pursuant to Wis. Stat. § 448.03(1)(a), “[n]o person may practice medicine and surgery, or attempt to do so or make a representation as authorized to do so, without a license to practice medicine and surgery granted by the board.”

Dr. Mangold does not dispute that his license to practice medicine was not active from February 21, 2012 through March 22, 2012 due to his tax delinquency. Moreover, as set forth above, it is deemed admitted that he practiced medicine from February 21, 2012 through March

22, 2012. Therefore, the undisputed material facts establish that Dr. Mangold was in violation of Wis. Stat. § 448.03(1)(a).

Because summary judgment is granted to the Division on the issue of whether Dr. Mangold violated Wis. Stat. § 448.03(1)(a), Dr. Mangold's request for summary judgment is denied with respect to that same issue.

Discipline and Costs

In light of the finding that Dr. Mangold violated Wis. Stat. § 448.03(1)(a), discipline may be imposed pursuant to Wis. Stat. § 448.02(3), and costs imposed pursuant to Wis. Admin. Code § SPS 2.18.

In the Conclusion section of its brief, the Division requests that Dr. Mangold's license be suspended indefinitely and that he not be permitted to petition the Board to lift the suspension for at least 60 days from the date of the final decision and order in this matter. The Division further requests that the full costs of these proceedings be imposed upon Dr. Mangold. The Division does not apply the framework or standards governing summary judgment to the issues of discipline and costs and has not established that the facts regarding such discretionary determinations are "undisputed" or that these discretionary decisions may be decided "as a matter of law," as required for summary judgment. Accordingly, summary judgment is not granted on the issue of discipline or costs in this matter and a telephone status conference will be held on Monday, March 18, 2013 at 9:00 a.m. to determine the procedure for deciding these remaining issues.

ORDER

For the reasons set forth above, IT IS ORDERED that:

1. The Division's motion for summary judgment is granted with respect to the issue of whether Dr. Mangold practiced medicine without a license in violation of Wis. Stat. § 448.03(1)(a).

2. Dr. Mangold's motion for summary judgment is denied.

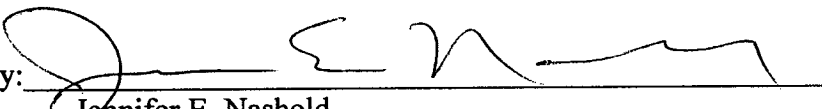
3. The contested case hearing scheduled for March 20, 2013 is hereby CANCELLED.

4. A telephone status conference will be held on **Monday, March 18, 2013, at 9:00 a.m.**

The ALJ will initiate the call. At the status conference, the parties shall inform the ALJ whether the issues of discipline and costs may be determined on the basis of the parties' written submissions or whether a hearing on the issues of discipline and costs should be held on March 20, 2013, the date formerly set for the contested case hearing.

Dated at Madison, Wisconsin on March 11, 2013.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
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By: 
Jennifer E. Nashold
Administrative Law Judge