

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN P. GAUDER, M.D.,
RESPONDENT.

:
:
: FINDINGS OF FACT,
: CONCLUSIONS OF LAW,
: AND ORDER
:
:
:-----

Based upon the attached stipulation of the parties and the Complaint on file the Wisconsin Medical Examining Board hereby makes and enters the following:

FINDINGS OF FACT

1. That John P. Gauder, M.D., Respondent herein, is a physician licensed to practice medicine and surgery in the State of Wisconsin; that his license which bears #18874 was granted July 10, 1974; that his current place of practice is 2501 Main Street, Stevens Point, WI 54481.
2. That on December 7, 1981, Respondent completed, signed, and sent to the Department of Regulation & Licensing his renewal application for registration for 1982-83 biennium, as required by Wis. Stats. sec. 448.07(1)(a).
3. The backside of that application, just above Respondent's signature, states: "I have completed 30 hours of AMA or AOA Category I continuing medical education within the two calendar years immediately preceding the biennium for which this application for registration is made and I have evidence of this which I will furnish to the Medical Examining Board upon request".
4. That on April 23, 1982 Respondent sent a letter to the Administrative Assistant to the Medical Examining Board in response to an audit letter which had been sent by the Administrative Assistant to Respondent. That among other things that letter stated "Credits for 1980-81 are 25 hours of continuing medical education. I have mistakenly thought that credits earned in October of 1979 were in fact earned in October of 1980, and therefore these 19 hours do not apply."
5. That Respondent did not take 30 hours of approved Continuing Medical Education Credits during the 2 years immediately preceding his registration for the 1982-83 biennium.
6. That subsequent to April 23, 1982 Respondent has taken the 5 Continuing Medical Education credits he lacked in the preceding biennium.
7. That Respondent has agreed that when, and if, he applies for registration for the 1984-1985 biennium, he will send verification of

having obtained the correct number of Continuing Medical Education credits in the 1982-1983 biennium, which credits shall be in addition to those credits earned in the 1982-1983 biennium to meet the credits required during the 1980-1981 biennium.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to section 448.02, Wis. Stats.
2. That the Wisconsin Medical Examining Board has authority to enter into the attached Stipulation pursuant to section 227.07(5), Wis. Stats.
3. That Wis. Stats. section 448.13 requires each physician to complete 30 hours of approved continuing education credits within the two calendar years preceding the calendar year for which a registration is to be effective.
4. That Wis. Adm. Code section Med 13.02(1) requires each physician to complete the biennial training requirement prior to making registration for the following biennium.
5. That Respondent's acts and omissions in failing to take the necessary Continuing Medical Education credits constitute the violation of provisions of Chapter 448 of the Statutes and violation of valid rules of the Board and constitute unprofessional conduct within the meaning of Wis. Stats. section 448.02(3) and Wis. Adm. Code section Med 10.02(2)(a).

ORDER

NOW THEREFORE, IT IS ORDERED, that Respondent, John P. Gauder, M.D., be and hereby is reprimanded pursuant to section 448.02(3), Wis. Stats.

Dated at Madison, Wisconsin this 21st day of April, 1983.

MEDICAL EXAMINING BOARD

Walter L. Washburn M.D.
Walter L. Washburn, M.D., Secretary

JRZ:kcb
371-010

BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN P. GAUDER, M.D.,
RESPONDENT.

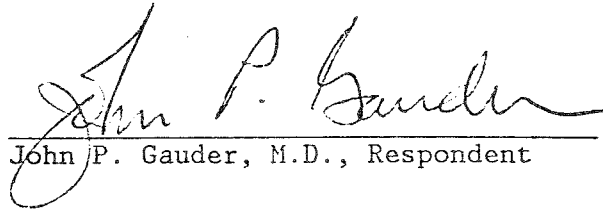
STIPULATION

It is hereby stipulated and agreed by and between John P. Gauder, M.D., Respondent; John R. Zwieg, Attorney for Complainant, Department of Regulation & Licensing, Division of Enforcement; and the Wisconsin Medical Examining Board as follows:

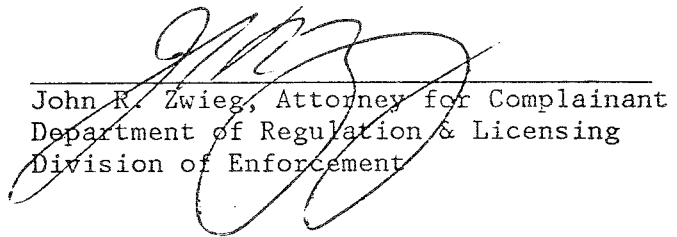
1. That this stipulation may be submitted directly to the Wisconsin Medical Examining Board and need not be submitted to Donald R. Rittel, the hearing examiner appointed in this matter.
2. That the Findings of Fact, Conclusions of Law, and Order attached to this Stipulation may be made and entered in this matter by the Wisconsin Medical Examining Board without prior notice to any party.
3. That in the event that any portion of this Stipulation or proposed Findings of Fact, Conclusions of Law, or Order is not accepted by the Wisconsin Medical Examining Board that the entire Stipulation and proposed Findings of Fact, Conclusions of Law, and Order shall be void and have no effect.
4. That during the 1980-1981 biennium Respondent took 25 hours of approved continuing medical education credits. That Respondent earned 19 hours of continuing medical education in October of 1979, which Respondent thought had been taken during the year 1980.
5. That subsequent to April 23, 1982 Respondent has taken the 5 continuing medical education credits which he had failed to take during the 1980-1981 biennium.
6. That when, and if, the Respondent makes application for registration for the 1984-1985 biennium, Respondent will send with that application for registration verification of having obtained the correct

number of Continuing Medical Education credits during the 1982-1983 biennium, which credits shall be in addition to those credits he has obtained since January 1, 1982 in order to meet the number of credits required in the 1980-1981 biennium.

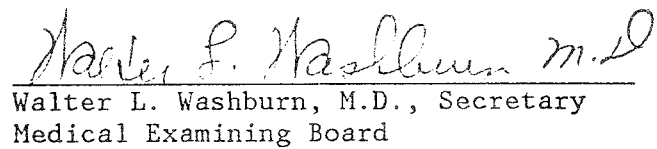
Dated this 16 day
of April, 1983.


John P. Gauder, M.D., Respondent

Dated this 11th day
of April, 1983.


John R. Zwieg, Attorney for Complainant
Department of Regulation & Licensing
Division of Enforcement

Dated this 21st day
of April, 1983.


Walter L. Washburn, M.D., Secretary
Medical Examining Board

JRZ:kcb
862-463