

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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BEFORE THE STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
ARTHUR MINES, JR., M.D., : AFFIDAVIT OF SERVICE  
RESPONDENT. :

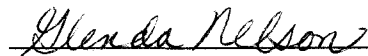
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Glenda Nelson, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on October 10, 1990 she served the following upon the respondents attorney:

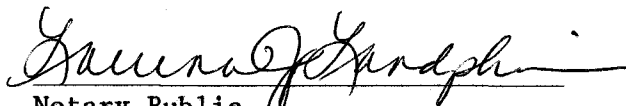
FINAL DECISION AND ORDER dated September 19, 1990

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondents attorney:

Erik B. Ellingson  
2300 North Mayfair Road, Suite 1165  
Milwaukee, WI 53226  
Certified P 438 251 058

  
\_\_\_\_\_  
Glenda Nelson  
Department of Regulation and Licensing

Subscribed and sworn to before me  
this 10th day of October, 1990.

  
\_\_\_\_\_  
Notary Public  
Dane County, Wisconsin  
My Commission Expires 02/07/93

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	
ARTHUR MINES, JR., MD.,	:	FINAL DECISION
RESPONDENT.	:	AND ORDER

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

Arthur Mines, Jr., M.D.  
10129 Brookdale Drive  
Mequon, WI 53092

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

Department of Regulation & Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, Wisconsin 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition 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. Arthur Mines, Jr., M.D., date of birth August 28, 1946, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin pursuant to license number 22466, which was issued on July 3, 1979.
2. That at all relevant times, Dr. Mines practiced medicine and surgery in the State of Wisconsin.
3. Arthur Mines, Jr., M.D., is presently the subject of Wisconsin Department of Regulation & Licensing, Division of Enforcement, investigation 90 MED 166, which contains allegations that Dr. Mines is chemically dependent.
4. That in April of 1990, Arthur Mines, Jr., M.D., was charged in the Circuit Court for Ozaukee County, Wisconsin, with five counts of obtaining possession of a controlled substance by misrepresentation, a felony. The charges were based upon Dr. Mines writing prescriptions in a patient's name and filling the prescriptions and taking the controlled substances himself. The substances involved were cough preparations containing hydrocodone, which is a Schedule II controlled substance as defined by sec. 161.16(2)(a)7, Wis. Stats.

5. That on August 16, 1990, the five felony counts were amended to five misdemeanor counts of illegal use of prescriptions by a physician, sec. 161.38(5), Wis. Stats., and Dr. Mines was convicted on that date of the five misdemeanors, based upon his plea of no contest.

6. On April 6, 1990, Dr. Mines voluntarily admitted himself to the DePaul Hospital Addiction and Mental Health Center in Milwaukee, Wisconsin because he was suffering from opioid dependency. Dr. Mines remained in the inpatient treatment program from the date of admission through May 3, 1990, when he was discharged from the inpatient portion with a good prognosis.

7. That beginning immediately after his discharge from the inpatient program at DePaul Hospital, Dr. Mines has participated in, and fully complied with, the outpatient Recovery Program for Professionals at DePaul Hospital, which includes random monitored urine screens, and Dr. Mines' residing at the DePaul Recovery Residence, a half-way house for professionals recovering from chemical dependencies, until the staff felt it was appropriate for him to be discharged from that residency in mid-August, 1990.

8. That Dr. Mines is employed at Family Health Plan located in Milwaukee, Wisconsin and his supervising physician at his employment is Dr. James Chaillet, Medical Director.

9. The Department of Regulation & Licensing, Division of Enforcement, has no information that any patient was injured as a result of Dr. Mines' abuse of controlled substances.

10. Arthur Mines, Jr., M.D., has agreed to voluntarily surrender his unlimited license to practice medicine and surgery in the State of Wisconsin, in return for being granted a limited license to practice medicine in the State of Wisconsin, as set out in the Order below.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stats. sec. 448.02(3).

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. sec. 227.44(5) and 448.02(5).

3. That Dr. Mines having been convicted of illegal use of prescriptions by a physician, sec. 161.38(5), Wis. Stats., is the conviction of a violation of a state law regulating the possession of controlled substances and is unprofessional conduct as defined by Wis. Stats. sec. 448.02(3) and Wis. Adm. Code MED 10.02(2)(r).

4. That Dr. Mines' conduct in having practiced medicine while abusing controlled substances constitutes unprofessional conduct as defined by Wis. Stats. sec. 448.02(3) and Wis. Adm. Code sec. MED 10.02(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that Arthur Mines, Jr., M.D., is hereby REPRIMANDED.

IT IS FURTHER ORDERED that the voluntary surrender by Arthur Mines, Jr., M.D., of his license to practice medicine and surgery in the State of Wisconsin is accepted and a limited license to practice medicine and surgery is granted with the following terms and conditions:

a. The limitations set forth, herein, shall remain in full force and effect for a period of five (5) years from the date of this Order.

b. The Medical Director of the DePaul Hospital Recovery Program for Professionals, shall be Dr. Mines' supervising physician throughout the full term of this limited license. In the event that the Medical Director is unable or unwilling to serve as supervising physician, the Medical Examining Board shall, in its sole discretion, select a successor supervising physician.

c. Dr. Mines shall continue in and fully participate in all components of the DePaul Hospital Recovery Program for Professionals in Milwaukee, Wisconsin or such other facilities which are under the direction and control of DePaul Hospital and which are located within the State of Wisconsin, as his supervising physician shall determine to be appropriate for his rehabilitation. Dr. Mines shall comply with all recommendations of his supervising physician for inpatient or outpatient treatment or both, and shall comply with all aspects of the treatment program as recommended by his supervising physician. All costs of the recovery program shall be the responsibility of Dr. Mines or his health insurer.

d. Dr. Mines shall abstain from any and all personal use of controlled substances as defined in Wis. Stats. sec. 161.01(4), except when necessitated by a legitimate medical condition and then only with the prior approval of the supervising physician.

e. Dr. Mines shall abstain from any and all personal use of alcohol.

f. Dr. Mines shall report all medications and drugs, over-the-counter or prescription, taken by him to his supervising physician within 24 hours of ingestion or administration and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs for him. The terms of this subparagraph shall not be deemed to modify or negate Dr. Mines' obligations as set forth in subparagraph (d) of this Order.

g. Dr. Mines shall supply, on at least a weekly basis, random monitored urine or blood specimens within 24 hours of a request for said specimen made by the supervising physician or his designee. The supervising physician or his designee shall determine whether the specimen shall be a urine specimen or a blood specimen or both. Collection of these specimens shall be observed and verified by persons designated by the supervising physician. Collection and all testing of specimens shall be the financial responsibility of Dr. Mines or his health insurer.

h. If any urine or blood specimen is positive or suspected positive for any controlled substance or alcohol, the specimen shall be re-examined using gas chromatography spectrometry as a confirmatory test.

i. If any urine or blood specimen is positive or suspected positive for any controlled substance or alcohol, Dr. Mines shall promptly submit to additional tests and examinations as the supervising physician or his designee shall determine as appropriate to clarify or confirm the positive or suspected positive urine or blood test results.

j. The supervising physician shall submit formal written reports to the Wisconsin Medical Examining Board every 90 days commencing 90 days after the date of this Order. The report shall assess Dr. Mines' progress in his rehabilitation program and set forth the results of the random urine and blood screens. Dr. Mines shall be responsible for the timely filing of these reports. The supervising physician and Dr. Mines shall report immediately to the Wisconsin Medical Examining Board any suspected violation of this Order including, but not limited to, any positive or suspected positive blood or urine screens.

k. Dr. Mines shall provide and keep on file, with his supervising physician and all treatment facilities and personnel, current releases which comply with state and federal laws authorizing release of all of his medical and treatment records and reports to the Wisconsin Medical Examining Board and permit his supervising physician and his treating physicians and therapists to disclose and discuss the progress of his treatment and rehabilitation with the Wisconsin Medical Examining Board. Copies of said releases shall be filed simultaneously with the Wisconsin Medical Examining Board.

l. The supervising employment physician at Family Health Plan shall submit formal written reports to the Wisconsin Medical Examining Board every 90 days, commencing 90 days after the date of this Order. The reports shall address the appropriateness of Dr. Mines' practice of medicine and shall address whether there have been any indications of chemical abuse. Dr. Mines shall be responsible for the timely filing of these reports. The supervising employment physician and Dr. Mines shall report immediately to the Wisconsin Medical Examining Board any suspected violation of this Order.

m. Dr. Mines shall appear before the Wisconsin Medical Examining Board at least annually to review the progress of his treatment and rehabilitation. Dr. Mines may petition the Wisconsin Medical Examining Board for modification of the terms of his limited license and the Wisconsin Medical Examining Board shall consider Dr. Mines' petition at the time it meets with Dr. Mines to review the progress of his rehabilitation. Denial of the petition, in whole or in part, shall not be considered a denial of a license within the meaning of Wis. Stats. sec. 227.01(3)(a) and Dr. Mines shall not have a right to any further hearings or proceedings on any denial, in whole or in part, of his petition for modification of his limited license.

n. Violation of any term or condition of this Order may constitute grounds for revocation of Dr. Mines' license to practice medicine and surgery in the State of Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, the

Board may order that Respondent's license be summarily suspended pending investigation of the alleged violation.

Dated at Madison, Wisconsin this 19th day of September, 1990.



Michael P. Mehr, M.D., Secretary  
Wisconsin Medical Examining Board

MPM:bmj  
ATY-1236

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : STIPULATION  
ARTHUR MINES, JR., MD., :  
RESPONDENT :

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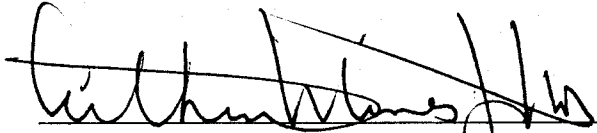
It is hereby stipulated and agreed, by and between, Arthur Mines, Jr., M.D., Respondent; Erik B. Ellingson, Attorney for Respondent; John R. Zwieg, Attorney for the Department of Regulation and Licensing, Division of Enforcement; and, the Wisconsin Medical Examining Board, as follows:

1. That Arthur Mines, Jr., M.D., date of birth August 28, 1946, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin, pursuant to license number 22466, which was issued July 3, 1979.
2. That an investigation, 90 MED 166, involving allegations of chemical dependency is currently pending against Dr. Mines with the Wisconsin Department of Regulation and Licensing, Division of Enforcement.
3. That Dr. Mines is aware of and understands each of his rights, including: the right to have a disciplinary complaint issued against him; the right to a hearing on the allegations against him at which time the state has the burden of proving the 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 file objections to any proposed decisions and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for a rehearing; the right to appeal a final decision to the Wisconsin Court system; and all other rights afforded him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
4. That Arthur Mines, Jr., M.D., freely voluntarily, and knowingly waives each and every one of the rights set forth in paragraph 3 above.
5. That Arthur Mines, Jr., M.D., agrees that the Wisconsin Medical Examining Board may make and enter the attached Final Decision and Order without further notice to any party.
6. That Arthur Mines, Jr., M.D., agrees to the voluntary surrender of his unlimited license to practice medicine and surgery in the State of Wisconsin.
7. That the attorneys for the parties may appear before the Wisconsin Medical Examining Board to argue in favor of acceptance of this Stipulation and the issuance of the attached Final Decision and Order.

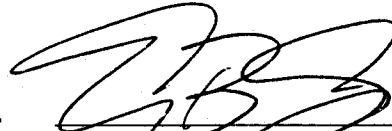


8. That, in the event that any portion of this Stipulation or proposed Findings of Fact, Conclusions of Law, Order or Final Decision is not accepted by the Wisconsin Medical Examining Board, that the entire Stipulation and proposed Findings of Fact, Conclusions of Law, Order and Final Decision shall be void and have no effect. In the event that this resolution is not accepted by the Board, the parties agree not to contend that the Board has been biased in any manner as a result of these documents being presented to the Board in this attempted resolution.

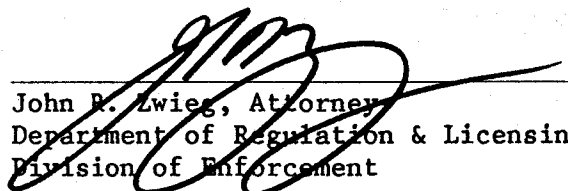
Dated this 17<sup>th</sup> day of September, 1990.

  
Arthur Mines, Jr., M.D., Respondent


Dated this 14 day of September, 1990.

  
Erik B. Ellingson  
Attorney for Respondent

Dated this 12<sup>th</sup> day of September, 1990.

  
John R. Zwiag, Attorney  
Department of Regulation & Licensing  
Division of Enforcement

Dated this 19th day of September, 1990.

  
Michael P. Mehr, M.D.  
Secretary  
Wisconsin Medical Examining Board

JRZ:bmj  
ATY-1239

BEFORE THE STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: AFFIDAVIT OF SERVICE  
ARTHUR MINES, JR., M.D., :  
RESPONDENT. :


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Glenda Nelson, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on September 24, 1990 she served the following upon the respondent's attorney:


FINAL DECISION AND ORDER dated September 19, 1990

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondent's attorney:

Erik B. Ellingson  
Attorney At Law  
935 Spaight Street  
Madison, WI 53703  
Certified P 568 986 953

  
\_\_\_\_\_  
Glenda Nelson  
Department of Regulation and Licensing

Subscribed and sworn to before me  
this 24<sup>th</sup> day of Sept, 1990.

  
\_\_\_\_\_  
Notary Public  
Dane County, Wisconsin  
My Commission Expires 02/07/93

## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

### 1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Medical Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

### 2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Medical Examining Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Medical Examining Board.

The date of mailing of this decision is September 24, 1990.

WLD:dms  
886-490

## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each and the identification  
of the party to be named as respondent)

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The date of mailing of this decision is September 24, 1990.

WLD:dms  
886-490