

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

LEON GILMAN, D.O.,
RESPONDENT

:
:
:
:
:

AFFIDAVIT OF SERVICE

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 July 20, 1990 she served the following upon the respondent's attorneys:

FINAL DECISION AND ORDER dated July 18, 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 attorneys:

Donald R. Peterson
Peterson, Johnson & Murray
6th Floor
733 North Van Buren Street
Milwaukee, WI 53202
Certified P 568 986 938

Glenda Nelson
Glenda Nelson
Department of Regulation and Licensing

Subscribed and sworn to before me
this 20th day of July, 1990.

Barbara J. Gendph
Notary Public
Dane County, Wisconsin
My Commission Expires 02/07/93

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
LEON GILMAN, D.O.,	:	
RESPONDENT.	:	

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

Leon Gilman, D.O.
4957 West Fond du Lac Avenue
Milwaukee, WI 53216

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

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 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. Leon Gilman, D.O., Respondent herein, 4957 West Fond du Lac Avenue, Milwaukee, Wisconsin 53216, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license #12978-3 which was granted on July 12, 1958.
2. Respondent had specialized in obstetrics and gynecology since 1968.
3. Respondent is 65 years of age and has been practicing medicine and surgery in the State of Wisconsin since 1958.
4. Respondent is a member of the Ansfield-Gilman Clinic which employs three additional physicians.
5. Respondent currently performs managerial duties for the Ansfield-Gilman Clinic and maintains an office practice of approximately 22 hours per week.

6. Respondent currently restricts his practice to general medicine and performs no surgical procedures or obstetrics. Respondent refers all patients who require hospitalization or suffer serious gynecological conditions.

7. Respondent had been considering retirement prior to the filing of the formal complaint in this matter and has decided to voluntarily retire on December 31, 1990.

8. In consideration of the above facts, Respondent agrees to voluntarily retire from the practice of medicine and surgery in the State of Wisconsin on or before December 31, 1990, and will surrender his current registration to the Medical Examining Board on the date of retirement.

9. Respondent agrees that he will not renew his registration to practice medicine and surgery in the State of Wisconsin at any time following its surrender. Respondent further agrees that he will not practice or attempt to practice medicine or surgery in the State of Wisconsin when not currently registered.

10. Respondent will utilize the time period between the effective date of the Board order adopting this Stipulation and December 31, 1990, to make arrangements for the orderly transfer of his patients and practice to other physicians.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 448.02(3) and 227.44(5).

ORDER

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

IT IS FURTHER ORDERED that Respondent shall retire from the practice of medicine and surgery in the State of Wisconsin on or before December 31, 1990 and will surrender his current registration to the Medical Examining Board on the date of retirement.

Respondent shall not practice medicine and surgery in the State of Wisconsin at any time following surrender of his current registration. Respondent shall not practice or attempt to practice medicine or surgery in the State of Wisconsin when not currently registered.

IT IS FURTHER ORDERED that pursuant to the authority of Wis. Stats. sec. 448.02(4), should the Medical Examining Board determine that there is probable cause to believe that Leon Gilman, D.O. has violated the terms of the Final Decision and Order of the Medical Examining Board, the Board may order that the license of Leon Gilman, D.O., to practice medicine and surgery in the State of Wisconsin be summarily suspended pending investigation of the alleged violation.

IT IS FURTHER ORDERED that the Complaint filed in this matter is hereby dismissed.

Dated this 18 day of July, 1990.

Michael P. Mehr

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

MPM:PMS:1mp
ATY-1093

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

LEON GILMAN, D.O.,
RESPONDENT.

STIPULATION

It is hereby stipulated between Leon Gilman, D.O., Respondent, personally, and by his attorney, Donald R. Peterson, and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Leon Gilman, D.O., 4957 West Fond du Lac Avenue, Milwaukee, Wisconsin 53216, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license #12978-3 which was granted on July 12, 1958.
2. Respondent had specialized in obstetrics and gynecology since 1968.
3. That a complaint consisting of two counts was filed against and duly served upon Respondent on March 30, 1989.
4. That Respondent has read the Complaint and understands the nature of the allegations against him.
5. Respondent and his counsel are aware of and understand each of the Respondent's rights, including the right to a hearing on the allegations against him at which time the State has the burden of proving these allegations by clear, satisfactory and convincing evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses in his behalf and to compel their attendance by subpoena; the right to testify himself; 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 rehearing; and all other rights afforded the Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
6. Respondent freely, voluntarily and knowingly waives each and every one of the rights set forth in paragraph 5 above.
7. Respondent is 65 years of age and has been practicing medicine and surgery in the State of Wisconsin since 1958.
8. Respondent is a member of the Ansfield-Gilman Clinic which employs three additional physicians.
9. Respondent currently performs managerial duties for the Ansfield-Gilman Clinic and maintains an office practice of approximately 22 hours per week.

10. Respondent currently restricts his practice to general medicine and performs no surgical procedures or obstetrics. Respondent refers all patients who require hospitalization or suffer serious gynecological conditions.

11. Respondent had been considering retirement prior to the filing of the formal complaint in this matter and has decided to voluntarily retire on December 31, 1990.

12. In consideration of the above facts, Respondent agrees to voluntarily retire from the practice of medicine and surgery in the State of Wisconsin on or before December 31, 1990, and will surrender his current registration to the Medical Examining Board on the date of retirement.

13. Respondent agrees that he will not renew his registration to practice medicine and surgery in the State of Wisconsin at any time following its surrender. Respondent further agrees that he will not practice or attempt to practice medicine or surgery in the State of Wisconsin when not currently registered.

14. The parties hereto understand that Respondent will utilize the time period between the effective date of the Board order adopting this Stipulation and December 31, 1990, to make arrangements for the orderly transfer of his patients and practice to other physicians.

15. That in consideration of the above facts and agreements, Complainant hereby moves the Medical Examining Board for dismissal of the complaint in this matter.

16. This agreement in no way prejudices the Medical Examining Board from any further action against the Respondent based on any acts not alleged in the present Complaint or pending investigative files which might be violative of the Wisconsin Medical Examining Board Statutes and Rules.

17. Pursuant to the authority of Wis. Stats. sec. 448.02(4), should the Medical Examining Board determine that there is probable cause to believe that Respondent has violated the terms of the Final Decision and Order of the Medical Examining Board, the Board may order that the license of Respondent to practice medicine and surgery in the State of Wisconsin be summarily suspended pending investigation of the alleged violation.

18. Respondent agrees to waive the proposed decision of the Hearing Examiner and submit this Stipulation directly to the Medical Examining Board. All parties agree that counsel for the parties and the assigned Board Advisor may appear before the Board to argue on behalf of acceptance of this Stipulation.

19. This Stipulation, if adopted by the Medical Examining Board, will become effective immediately upon issuance of the written Order by the Board.

20. That in the event any term or condition of this Stipulation and Final Decision and Order is not accepted by the Medical Examining Board, then no term or condition of the Stipulation or Order shall be binding in any manner on any party.

Dated: _____

June 18, 1990

Donald R. Peterson
Donald R. Peterson
Attorney for Respondent

Dated: _____

June 21, 1990

Pamela M. Stach
Pamela M. Stach
Attorney for Complainant

I, Leon Gilman, D.O., having read the above Stipulation and having discussed its contents with my attorney and understanding its terms, do hereby freely and voluntarily enter into this Stipulation.

Dated: _____

6/15/90

Leon Gilman, D.O.
Leon Gilman, D.O.
Respondent

PMS:lm
ATY-1092

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 July 20, 1990.

WLD:dms
886-490