

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

BEFORE THE STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

-----  
IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

EARL S. PERRIGO, M.D.,  
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 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:

John K. Pardee, III  
Pardee & France  
824 National Bank Building  
Toledo, Ohio 43604  
Certified P 438 251 007

  
\_\_\_\_\_  
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

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

---

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION & ORDER
EARL S. PERRIGO, M.D.,	:	
RESPONDENT.	:	

---

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

Earl S. Perrigo, M.D.  
4609 Homerdale Avenue  
Toledo, OH 43623

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

Department of Regulation & 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. Earl S. Perrigo, M.D., Respondent herein, d.o.b.: October 30, 1942, is a physician licensed and registered to practice medicine and surgery in the State of Wisconsin, pursuant to license #22225, which was granted on April 27, 1979. Respondent is currently practicing medicine and surgery in Toledo, Ohio.
2. On July 10, 1987, the State Medical Board of Ohio entered an Order placing Respondent on probation for a term of three years under certain terms and conditions, based upon a finding that Respondent had violated three provisions of the Ohio Revised Code.
3. On September 27, 1988, the Michigan Board of Medicine entered a Consent Order reprimanding Respondent and providing that if Respondent were to start actively practicing medicine in the State of Michigan, he would be placed on probation until July 10, 1990, under the same terms and conditions of his probation in Ohio.
4. On July 10, 1990, Respondent successfully completed the terms and conditions of his probation, which had been imposed by the State Medical Board of Ohio, as set forth in paragraph 2.

5. Respondent, by having Orders entered against him by the State Medical Board of Ohio and the Michigan Board of Medicine, as set forth in paragraphs 2 and 3, has been subject to disciplinary action by the licensing authority of another state.

6. Respondent has agreed that the Wisconsin Medical Examining Board may reprimand him.

CONCLUSIONS OF LAW

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

2. The Wisconsin Medical Examining Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. Respondent's conduct, as set forth in paragraph 5 of the Findings of Fact, constitutes having a license granted by another state to practice medicine and surgery or treat the sick, limited, restricted, suspended or revoked or having been subject to other disciplinary action by the licensing authority thereof, and thereby is unprofessional conduct within the meaning of sec. 448.02(3), Wis. Stats., and sec. MED 10.02(2)(q), Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Dr. Earl S. Perrigo is hereby reprimanded.

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

Dated at Madison, Wisconsin this 19 day of Sept., 1990.



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

JMO:bmj  
ATY-1233

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

---

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
EARL S. PERRIGO, M.D.	:	
RESPONDENT.	:	

---

It is hereby stipulated between Earl S. Perrigo, M.D., Respondent, personally and by his attorney, John K. Pardee, III; and Judith Mills Ohm, Attorney for the Wisconsin Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Earl S. Perrigo, M.D., d.o.b.: October 30, 1942, is a physician licensed and registered to practice medicine and surgery in the State of Wisconsin, pursuant to license #22225, which was granted on April 27, 1979. Dr. Perrigo currently practices medicine and surgery in Toledo, Ohio.

2. A Disciplinary Complaint against Dr. Perrigo is pending before the Wisconsin Medical Examining board. Dr. Perrigo admits all of the allegations of the Complaint, a copy of which is attached hereto, marked as Exhibit 1, and incorporated herein.

3. Dr Perrigo is aware of and understands each of his rights, including 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 testify on his own behalf; 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 of the rights afforded him under the United States Constitution, the Wisconsin Constitution and the Wisconsin Statutes and the Wisconsin Administrative Code.

4. Dr. Perrigo freely, voluntarily and knowingly waives each and every one of the rights set forth in paragraph 3 above.

5. Dr. Perrigo hereby voluntarily agrees that the Wisconsin Medical Examining Board may reprimand him for his conduct as set forth in Exhibit 1.

6. For the purposes of this Stipulation, Dr. Perrigo agrees that the Wisconsin Medical Examining Board may make and enter the attached Final Decision and Order without prior notice to any party.

7. The parties to this Stipulation and the Board Advisor may appear before the Board in support of this Stipulation.

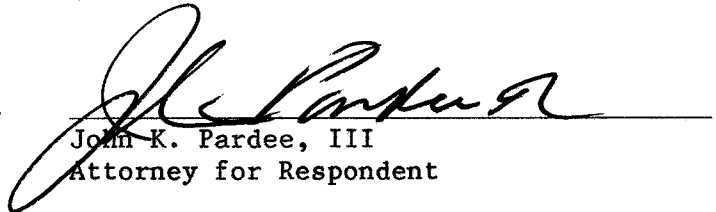
8. If any term or condition of this Stipulation and Proposed Final Decision and Order is not approved by the Wisconsin Medical Examining Board, then no term of this Stipulation and attached Final Decision and Order shall be binding in any manner on any party.

9. This Stipulation may be submitted directly to the Wisconsin Medical Examining Board and need not to be submitted to Donald R. Rittel, the Hearing Examiner appointed in this matter.


Dated this 14 day of ~~August~~ <sup>September</sup>, 1990.

  
Earl S. Ferrigo, M.D., Respondent

Dated this 14 day of ~~August~~ <sup>September</sup>, 1990.

  
John K. Pardee, III  
Attorney for Respondent

Dated this 24<sup>th</sup> day of August, 1990.

  
Judith Mills Ohm  
Attorney for Complainant  
Department of Regulation & Licensing  
Division of Enforcement

JMO:bmj  
ATY-1232

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

---

IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
EARL S. PERRIGO, M.D., : COMPLAINT  
RESPONDENT. :

---

Sue Schaut, an investigator for the Wisconsin Department of Regulation and Licensing, Division of Enforcement, 1400 East Washington Avenue, Madison, Wisconsin 53702, upon information and belief, complains and alleges as follows:

1. Earl S. Perrigo, M.D., Respondent herein, 4609 Homerdale Avenue, Toledo, Ohio 43623, date of birth October 30, 1942, is a physician licensed and registered to practice medicine and surgery in the State of Wisconsin, pursuant to license #22225, which was granted on April 27, 1979.

2. Respondent currently practices medicine in the State of Ohio and specializes in cardiology.

3. Respondent was licensed to practice medicine and surgery in the State of Wisconsin at all times pertinent to this Complaint.

4. On July 10, 1987, the State Medical Board of Ohio entered an Order placing Respondent on probation for a term of three years under certain terms and conditions. The Order was entered pursuant to a Report and Recommendation of the Attorney Hearing Officer, approved and confirmed by the Board, which found that Respondent's conduct violated the following provisions of the Ohio Revised Code:

a. Sec. 4731.22(B)(2): "Failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease".

b. Sec. 4731.22(B)(3): "Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or conviction of violation of any federal or state law regulating the possession, distribution, or use of any drug".

c. Sec. 4731.22(B)(6): "A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established."

5. On September 27, 1988, the Michigan Board of Medicine entered a Consent Order reprimanding Respondent and providing that if Respondent were to start actively practicing medicine in the State of Michigan he would be placed on probation until July 10, 1990, under certain terms and conditions. The Consent Order was entered pursuant to a Stipulation between Respondent, personally and by his attorney, and the attorney for the Michigan Board of Medicine and was based upon the action taken by the State Medical Board of Ohio, as set forth in paragraph 4.

Exhibit 1

6. Respondent's conduct, as set forth in this Complaint, constitutes having a license, certificate, permit, or registration granted by another state to practice medicine and surgery or treat the sick limited, restricted, suspended, or revoked, or having been subject to other disciplinary action by the licensing authority thereof, and thereby constitutes unprofessional conduct under sec. 448.02(3), Wis. Stats., and sec. MED 10.02(2)(q), Wis. Adm. Code.

WHEREFORE, the Complainant demands the Board hear evidence relevant to matters recited herein, determine and impose the discipline warranted; and the Complainant further demands that the Board assess the costs of the proceeding against the Respondent, payable to the Department of Regulation and Licensing pursuant to sec. 440.22, Wis. Stats.

Date: ~~June~~ <sup>July</sup> 10, 1990.

*Sue Schaut*

---

Sue Schaut, Investigator  
Department of Regulation & Licensing,  
Division of Enforcement

STATE OF WISCONSIN )  
                          )  
COUNTY OF DANE        )

Sue Schaut, being first duly sworn on oath deposes and says that she is an investigator for the State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, and that she has read the foregoing



Complaint and knows the contents thereof and that the same is true to her own knowledge, except as to those matters therein stated on the information and belief and as to such matters, she believes them to be true.

Sue Schaut

Sue Schaut  
State of Wisconsin  
Department of Regulation & Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Subscribed and sworn to before me  
this 10<sup>th</sup> day of ~~June~~<sup>July</sup>, 1990.

Ruth E. Heike

Notary Public

My Commission is permanent

Judith Mills Ohm  
Attorney for Complainant  
Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

JMO:bmj  
ATY-1129

## 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