

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

FILE COPY

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

ALAN LEONARD TABER, M.D.,
RESPONDENT.

ORDER
PENDING HEARING

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

Alan Leonard Taber, M.D.
147 North State Street
Berlin, WI 54923

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 an interim 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. That Alan Leonard Taber, M.D., Respondent, date of birth August 11, 1951, is a physician licensed to practice medicine and surgery in the state of Wisconsin pursuant to license number 22920, which was granted April 18, 1980.

2. That on November 26, 1991, Respondent was served with copies of a Petition for Summary Suspension and Notice of Presentation of Petition for Summary Suspension, both dated November 26, 1991. That those documents notified Respondent that the Petitioner would seek the summary suspension of Respondent's license to practice medicine and surgery in the state of Wisconsin by presenting the Petition for Summary Suspension to the Wisconsin Medical Examining Board on November 29, 1991 at 8:00 a.m.

3. That the Petition for Summary Suspension alleges that due to a condition in the right hemisphere of Respondent's brain the Respondent is unable to practice medicine with reasonable skill and safety to patients. That allegation is based upon testing and evaluations of Respondent which took place at the Marshfield Clinic in Marshfield, Wisconsin on October 30, 1991 and November 19, 1991.

4. That Respondent disagrees with the allegations set out in the Petition for Summary Suspension and is in the process of arranging for testing and evaluation of himself to be done by another physician.

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5. Respondent has agreed to the voluntary surrender of his license to practice medicine and surgery in the state of Wisconsin as set out below.

CONCLUSIONS OF LAW

1. That the Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to sections 448.02(3), (4) and (5), Wis. Stats.

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated interim resolution pursuant to sections 227.44(5), and 448.02(4) and (5), Wis. Stats.

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that Respondent's surrender of his license to practice medicine and surgery in the State of Wisconsin, pending a hearing on the allegations against him, is hereby accepted immediately.


IT IS FURTHER ORDERED, that the time periods set out in section 448.02(4), Wis. Stats. shall apply in this matter and that if no Final Decision of the Board is made within the required period of time, Respondent's license to practice medicine and surgery in the State of Wisconsin shall be returned to him. Those time periods are:

1. The surrender of Respondent's license shall be for a period not to exceed 30-days pending hearing.
2. However, the Medical Examining Board may, while the hearing is in progress, extend the initial 30-day period of surrender for an additional 30-days;
3. If the Respondent has caused a delay in the hearing process, the Board hereby delegates to the Administrative Law Judge assigned to hear this matter the authority to continue the surrender of the license from the time the hearing is commenced until a Final Decision is issued by the Board.

IT IS FURTHER ORDERED that upon the entry of a Final Decision and Order regarding the allegations in this matter, the surrender of Respondent's license shall be cancelled.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 29th day of November, 1991.


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

JRZ:dms
ATY-1886

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ALAN LEONARD TABER, M.D.,
RESPONDENT.

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STIPULATION

It is hereby stipulated and agreed, by and between, Alan L. Taber, M.D., Respondent; Ross A. Anderson of Frisch Dudek, Ltd., attorneys for Respondent; and, John R. Zwieg, attorney for the Petitioner, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. That Alan Leonard Taber, M.D., Respondent, date of birth August 11, 1951, is a physician licensed to practice medicine and surgery in the state of Wisconsin pursuant to license number 22920, which was granted April 18, 1980.

2. That on November 26, 1991, Respondent was served with copies of a Petition for Summary Suspension and Notice of Presentation of Petition for Summary Suspension, both dated November 26, 1991. That those documents notified Respondent that the Petitioner would seek the summary suspension of Respondent's license to practice medicine and surgery in the state of Wisconsin by presenting the Petition for Summary Suspension to the Wisconsin Medical Examining Board on November 29, 1991 at 8:00 a.m.

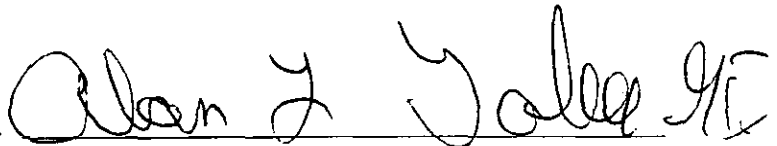
3. That the Petition for Summary Suspension alleges that due to a condition in the right hemisphere of Respondent's brain the Respondent is unable to practice medicine with reasonable skill and safety to patients. That allegation is based upon testing and evaluations of Respondent which took place at the Marshfield Clinic in Marshfield, Wisconsin on October 30, 1991 and November 19, 1991.

4. That Respondent disagrees with the allegations set out in the Petition for Summary Suspension and is in the process of arranging for testing and evaluation of himself to be done by another physician.

5. Respondent agrees to voluntarily surrender his license to practice medicine and surgery in the state of Wisconsin, as set out in the attached Order and, agrees that the attached Order may be made and entered without further notice to any party.

6. That in return for Respondent's agreement to the entry of the attached Order Petitioner agrees not to seek the Summary Suspension of Respondent's license to practice medicine and surgery in the State of Wisconsin.

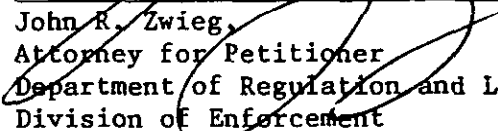
Dated this 29 day of November, 1991.


Alan Leonard Taber, M.D.,
Respondent

Dated this ____ day of November, 1991.

Ross A. Anderson
Frisch Dudek, Ltd.
Attorneys for Respondent

Dated this 29th day of November, 1991.


John R. Zwieg,
Attorney for Petitioner
Department of Regulation and Licensing
Division of Enforcement

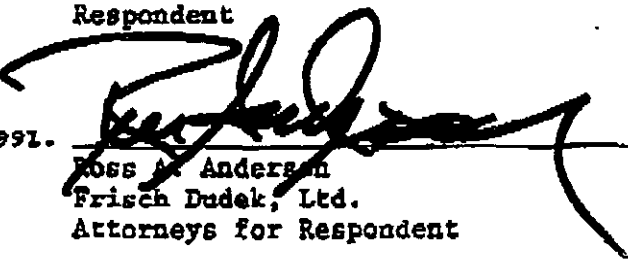
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ATY-1885

6. That in return for Respondent's agreement to the entry of the attached Order Petitioner agrees not to seek the Summary Suspension of Respondent's license to practice medicine and surgery in the State of Wisconsin.

Dated this ____ day of November, 1991.

Alan Leonard Taber, M.D.,
Respondent

Dated this 27th day of November, 1991.


Ross A. Andersen
Frisch Dudek, Ltd.
Attorneys for Respondent

Dated this ____ day of November, 1991.

John R. Zwieg,
Attorney for Petitioner
Department of Regulation and Licensing
Division of Enforcement

JRZ:dms
ATY-1885