

# 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

JAMES A. YENGER, D.O.,  
RESPONDENT

FINAL DECISION AND ORDER

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

James A. Yenger  
P.O. Box 409 Saipan  
Mariana Island, 72 96950

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 decision 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. James A. Yenger (D.O.B. 10/06/57) is duly licensed in the state of Wisconsin to practice medicine and surgery (license # 26522). This license was first granted on October 26, 1984.
2. Dr. Yenger's latest address on file with the Department of Regulation and Licensing is P.O. Box 409 Saipan, Mariana Island, 72 96950.
3. On or about September 3, 1986 and September 10, 1986, Dr. Yenger saw patient HN. HN was a 41 year-old male, who presented with a complaint of one and one-half weeks duration of chest pain accompanied by diaphoresis. The pains radiated from the chest to the jaw and down both arms.
4. Dr. Yenger failed to adequately assess HN for coronary artery disease.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this

matter, pursuant to §448.02(3), Wis. Stats.

2. The Wisconsin Medical Examining Board is authorized to enter into the attached stipulation, pursuant to §§ 227.44(5) and 448.02(5), Wis. Stats.

3. By the conduct described above, James A. Yenger is subject to disciplinary action against his license to practice medicine and surgery in the state of Wisconsin, pursuant to Wis. Stats. §§ 448.02(3), and Wis. Adm. Code § MED 10.02(2)(h).

NOW, THEREFORE, IT IS HEREBY ORDERED that James A. Yenger is hereby REPRIMANDED.

IT IS FURTHER ORDERED that within nine (9) months from the effective date of this order, Dr. Yenger shall complete fifteen (15) hours of category I continuing education acceptable to the Board in the area of diagnosis and treatment of coronary artery disease. To be acceptable, the continuing medical education course(s) shall be pre-approved by a member or designated agent of the Wisconsin Medical Examining Board. The 15 hours continuing medical education requirement is in addition to Dr. Yenger's thirty (30) credit biennial registration requirement.

Dr. Yenger shall submit acceptable documentation of completion of this requirement to the Board within ten (10) months of the date of this order. Acceptable documentation shall include certification from the sponsoring organization as well as an affidavit executed by Dr. Yenger verifying that he attended each course in its entirety.

Violation of any of the terms of this Order may result in the imposition of other additional discipline.

This Order shall become effective upon the date of its signing.

MEDICAL EXAMINING BOARD

By:

*B. Ann Neviasser*

Ann B. Neviasser

Secretary

Medical Examining Board

*January 23, 1992*

Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
JAMES A. YENGER, D.O.,	:	90 MED 078
RESPONDENT	:	

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It is hereby stipulated between James A. Yenger, D.O., personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Dr. Yenger's licensure by the Division of Enforcement (90 MED 078). Dr. Yenger consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Dr. Yenger understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those 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 himself; the right to file objections to any proposed decision 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 applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Dr. Yenger is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to execution of this stipulation.

4. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that an attorney for the Division of Enforcement may appear before the Medical Examining Board for the purposes of speaking in support of this agreement and answering questions

that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Dr. Yenger in recommending the Medical Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

James A. Yenger D.O.  
James A. Yenger, D.O.

12/16/91  
Date

Steven M. Gloe  
Steven M. Gloe, Attorney  
Division of Enforcement

12/30/91  
Date

## **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** January 29, 1992.