

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

FILE COPY

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
:
JOHN LOUIS DUFFY, M.D. : 92 MED 209
RESPONDENT. :

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

John Louis Duffy, M.D.
1111 Aldrich Avenue
Boone, IA 50036

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 an interim decision in 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. Respondent John Louis Duffy, is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license # 17494.

2. Respondent was, on June 25, 1992, summarily suspended from the practice of medicine and surgery based on a complaint which alleged that his license in the state of Minnesota had been suspended, that he is presently unable to practice with skill and safety to patients, and that he had committed unprofessional conduct. Respondent has requested that the board extend the time for hearing, and thus the period of suspension, to enable him to better prepare for hearing, and to permit him to undergo testing or evaluation and such treatment as may be appropriate.

3. Respondent is presently unable to undergo the treatment recommended by his physicians, and agrees that he is presently unable, by reason of medical condition, to practice

medicine with skill and safety to patients, and desires to surrender his license and registration until such time as he can demonstrate recovery.

CONCLUSIONS OF LAW

4. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to § 448.02(2), Wis. Stats.

5. The Board is authorized to enter into the attached Stipulation pursuant to §§227.44(5) and 448.02(5), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted, and all parties shall abide by it.

IT IS FURTHER ORDERED, that the surrender of the license and registration of John Louis Duffy, M.D. is accepted. Dr. Duffy may reapply for licensure at such time as he can demonstrate that he can practice with skill and safety to patients and the public. At that time, the board may determine under what limitations and conditions Dr. Duffy may be issued a license and registration.

Dated this 24 day of September, 1992.

WISCONSIN MEDICAL EXAMINING BOARD

by: B. Ann Nevaizer
B. Ann Nevaizer, Secretary

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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
JOHN LOUIS DUFFY, M.D.	:	
RESPONDENT.	:	92 MED 209

It is hereby stipulated between the above Respondent, personally on his own behalf, and the Department of Regulation and Licensing, Division of Enforcement by its undersigned attorney as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondent by the *Division of Enforcement*. Respondent consents to the resolution of this investigation by Stipulation and without the necessity of a hearing on the formal complaint which has been issued in this matter.

2. Respondent is aware of and understands his rights with respect to disciplinary proceedings, including the right to a statement of the allegations against him; a right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel attendance of witnesses 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. By entering into this Stipulation, Respondent voluntarily and knowingly waives the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.

4. Respondent is aware of his right to seek legal representation and has obtained legal advice prior to execution of this Stipulation.

5. With respect to the attached Final Decision and Order, Respondent admits the facts set forth in the Findings of Fact, and further agrees that the Board may reach the conclusions set forth in the Conclusions of Law, and may enter the Order.

6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, 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 either the Board or the Respondent has been prejudiced or biased in any manner by the consideration of this attempted resolution.

Stipulation

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7. If the Board accepts the terms of this Stipulation, the parties to this Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

8. Respondent agrees that an attorney for the Division of Enforcement may appear at any deliberative meeting of the Board, in open or closed session, without the presence of Respondent or Respondent's attorney, with respect to this Stipulation but that appearance is limited to statements solely in support of this Stipulation, and to answering questions asked by the Board and its staff, and for no other purpose.

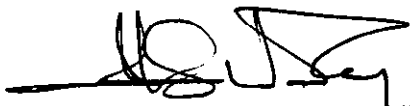
9. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Order.

10. Respondent is informed that should the board adopt this stipulation, the board's final decision and order adopting the terms of the stipulation will be published in the Monthly Disciplinary Report issued by the department, and a summary of the order adopting the terms of the stipulation shall be published in the Wisconsin Regulatory Digest issued semiannually by the department, all of which is standard Department policy and in no way specially directed at Respondent.


11. Respondent hereby surrenders his Wisconsin license and registration, to practice medicine and surgery, and attaches hereto all credentials issued by the state of Wisconsin, medical examining board. Respondent agrees that if he reapplies for Wisconsin licensure, the board may determine, in its sole discretion, the terms and conditions under which a license and registration may be issued to him, and that he will personally appear before the board at its request in support of any application, and release any and all medical records to the board for its consideration in connection with such application.


John Louis Duffy, M.D., Respondent

8/15/92
Date


Jack S. Nordby, Attorney for Respondent

8/17/92
Date


Arthur Thexton, Prosecuting Attorney
Division of Enforcement

8/20/92
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 September 29, 1992.