

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE	:	
TO PRACTICE MEDICINE AND SURGERY OF	:	FINAL DECISION & ORDER
	:	89 MED 365
JOHN M. COFFEY, M.D.,	:	
RESPONDENT.	:	

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

John M. Coffey, M.D.
15540 Springwood Court
Brookfield, Wisconsin 53005

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

Department of Regulation
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 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. John M. Coffey, M.D., Respondent herein, 15540 Springwood Court, Brookfield, Wisconsin 53005 is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license #13238 which was granted on February 9, 1959.

2. Respondent specializes in the area of addictionology.

3. That on January 25, 1985 Patient A was admitted to Sinai Samaritan Medical Center for an elective tubal ligation.

4. Prior to the surgical procedure, Patient A executed a Consent to Operation, Anesthesia, Special Treatments or Procedures. Said Consent authorized Respondent to perform a mini-laparotomy, bi-lateral partial salpingectomy.

5. On January 25, 1985, Respondent began the abdominal surgery to perform the tubal ligation. During the course of the operation, Respondent noted uterine fibroids and proceeded to perform an hysterectomy.

6. Prior to performing the hysterectomy, Respondent did not discuss the procedure with Patient A, and did not obtain authorization for performance of that procedure.

7. Respondent performed the hysterectomy without patient authorization due to his concern for the patient's health following discovery of the uterine fibroids.

8. In having performed a hysterectomy on Patient A without discussing the possibility of that procedure with the patient, and without securing the patient's informed consent to submit to the procedure, Respondent failed to inform the patient about the availability of alternate, viable medical modes of treatment and about the benefits and risks of these treatments, in violation of Wis. Stats. sec. 448.30 and engaged in conduct which violates Wis. Stats. sec. 448.03(3) and Wis. Adm. Code sec. MED 10.02(2)(h) as defined in Gilbert v. State of Wisconsin, 119 Wis. 2nd 168 (1984).

CONCLUSIONS OF LAW

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

2. Respondent's conduct is herein described constitutes a violation of Wis. Stats. secs. 448.02(3) and 448.30 and Wis. Adm. Code sec. MED 10.02(2)(h) as defined in Gilbert v. State of Wisconsin, 119 Wis. 2nd 168 (1984).

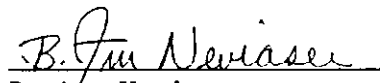
ORDER

THEREFORE, it is ordered that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that John M. Coffey, M.D. shall be and hereby is REPRIMANDED for his conduct.

IT IS FURTHER ORDERED that Investigative File 89 MED 365 be closed.

Dated this 23 day of January, 1992.


B. Ann Neviase
Secretary
Medical Examining Board

PMS:skv
ATY-1907

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE	:	
TO PRACTICE MEDICINE AND SURGERY OF	:	STIPULATION
	:	89 MED 365
JOHN M. COFFEY, M.D.,	:	
RESPONDENT.	:	

It is hereby stipulated between John M. Coffey, M.D., personally and by his attorney, Kathleen E. Bonville, and Pamela M. Stach, attorney for the Department of Regulation and Licensing, Division of Enforcement as follows:

1. John M. Coffey, Respondent herein, 15540 Springwood Court, Brookfield, Wisconsin 53005 is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license #13238 which was granted on February 9, 1959.

2. Respondent specializes in the field of addictionology.

3. That an investigation of Respondent is pending before the Medical Examining Board under file 89 MED 365.

4. For purposes of resolving the pending investigation, Respondent agrees to entry of the attached Final Decision and Order by the Medical Examining Board.

5. In consideration of the facts and agreements as set forth above, Complainant agrees to recommend closure of the pending investigative file 89 MED 365 to the Medical Examining Board.

6. This agreement in no way prohibits the Medical Examining Board from any further action against Respondent based on any facts not contained in investigative file 89 MED 365 which might be violative of the Wisconsin Medical Examining Board statutes and rules.

7. All parties hereto agree that Counsel for the parties may appear before the Board, along with the Board Advisor assigned to this case, to argue on behalf of acceptance of this Stipulation. Such appearance and arguments shall take place in open session of the Medical Examining Board meeting at which the Stipulation is presented.

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

9. 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 of this Stipulation or Order shall be binding in any manner on any party.

10. All parties hereto waive costs in this matter.

Dated: 1-11-92

Kathleen E. Bonville
Kathleen E. Bonville
Attorney for Respondent

Dated: 1-15-92

Pamela M. Stach
Pamela M. Stach
Attorney for Complainant

I, John M. Coffey, M.D., having read the above Stipulation and Final Decision and Order and having discussed its contents with my attorney and understanding its terms, do hereby freely and voluntarily enter into this Stipulation.

Dated: 1-9-92

John M. Coffey, M.D.
John M. Coffey, M.D.
Respondent

PMS:skv
ATY-1906

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.