

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

FILE COPY

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|                                   |   |                          |
|-----------------------------------|---|--------------------------|
| IN THE MATTER OF THE DISCIPLINARY | : |                          |
| PROCEEDINGS AGAINST               | : | FINAL DECISION AND ORDER |
|                                   | : | 89 MED 513               |
| JAMES F. HOFFMAN, JR., M.D.,      | : | 92 MED 278               |
| RESPONDENT.                       | : |                          |

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

James F. Hoffman, Jr., M.D.  
1025 Lemay Avenue, Suite 2  
Fort Collins, CO 80524

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 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 F. Hoffman, Jr., M.D., Respondent herein, (D.O.B. 2/12/38) is duly licensed and registered to practice medicine and surgery in the State of Wisconsin pursuant to license number 18455, which license was first granted on 7/12/73.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 1025 Lemay Avenue, Suite #2, Fort Collins, CO 80524.
3. Respondent's specialty area of practice is cardiac surgery.
4. Respondent has a physical disability, which renders him unable to perform medical services with skill and safety to the public.
5. Respondent has agreed to surrender his license to practice surgery in the State of Wisconsin and never to reapply for such a license.

CONCLUSIONS OF LAW

1. That the Wisconsin Medical Examining Board has authority to enter into this stipulated resolution pursuant to secs. 227.44(5) and 448.02(5), Wis. Stats.

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

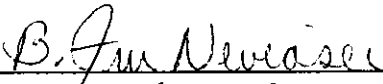
ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent's surrender of his license to practice medicine and surgery in the State of Wisconsin is hereby accepted in lieu of imposing disciplinary action against Respondent.

IT IS FURTHER ORDERED that Respondent shall never reapply for a license to practice medicine and surgery in the State of Wisconsin.

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 at Madison, Wisconsin this 19th day of August, 1992.

  
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B. Ann Neviase, Secretary  
Wisconsin Medical Examining Board

ATY2-2266

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

|                                  |   |             |
|----------------------------------|---|-------------|
| IN THE MATTER OF                 | : |             |
| DISCIPLINARY PROCEEDINGS AGAINST | : | STIPULATION |
|                                  | : | 89 MED 513  |
| JAMES F. HOFFMAN, JR., M.D.,     | : | 92 MED 278  |
| RESPONDENT.                      | : |             |

It is hereby stipulated and agreed, by and between, James F. Hoffman, Jr., M.D., Respondent, and John R. Zwieg, attorney for the Wisconsin Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of two pending investigations (files 89 MED 513 and 92 MED 278) by the Department of Regulation and Licensing, Division of Enforcement. File 89 MED 513 was opened based upon the receipt of information from the Office of the Commissioner of Insurance that a malpractice claim had been paid on behalf of Respondent in which the claimant alleged Respondent had performed an unnecessary procedure and had performed the unnecessary procedure inappropriately. File 92 MED 278 was opened based upon receipt of information from the State of Colorado Board of Medical Examiners that Respondent had surrendered his license to practice medicine in Colorado, following the issuance of a Formal Complaint alleging inappropriate care provided to patients in the State of Colorado from December of 1987 through July of 1991. Respondent consents to the resolution of these investigations by stipulation and without the issuance of a formal complaint.

2. Respondent 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, 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. Respondent is aware of his right to seek legal representation prior to signing this stipulation, and has done so.

4. Respondent denies any wrongdoing or misconduct, but agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board because he suffers from a permanent physical disability which prevents him from practicing medicine with skill and safety to the public.. 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.

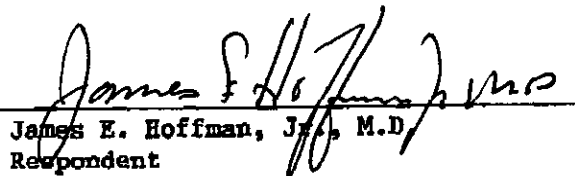
5. Any admissions contained in this Stipulation and the attached Final Decision and Order are made for purposes of resolution of the disputes between the parties, and are not admissible for any other purpose or in any other proceeding.

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, 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.

7. The Respondent, his attorney, and the attorney for the Division of Enforcement may appear before the 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.

8. The member of the Board appointed as the investigative advisor in this matter may appear before the Board in open or closed session 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.

Dated this 18 day of August, 1992.

  
James E. Hoffman, Jr., M.D.  
Respondent

Dated this 18 day of August, 1992.

  
John R. Zwieg, Attorney  
Department of Regulation & Licensing  
Division of Enforcement

ATY2-2311

## **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 August 24, 1992.**