

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN LOUIS DUFFY, M.D.,
RESPONDENT

:
:
:
:
:

AFFIDAVIT OF SERVICE

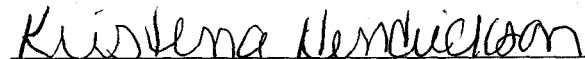
Kristena Hendrickson, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on September 9, 1993 she served the following upon the respondent:

Order Denying Petition dated September 2, 1993.

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondent at:

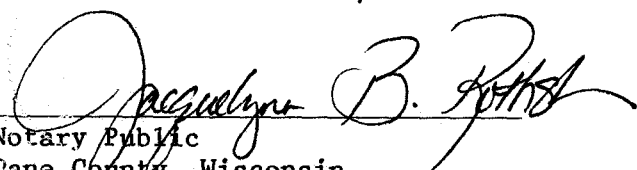
1111 Aldrich
Boone, IA 50036
Certified P 429 060 493

an address which appears in the files and records of the Medical Examining Board as the respondent's last known address.


Kristena Hendrickson
Department of Regulation and Licensing

Subscribed and sworn to before me

this 9th day of September, 1993.


Notary Public
Dane County, Wisconsin
My Commission is permanent

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

JOHN LOUIS DUFFY, M.D.,

Respondent

ORDER DENYING PETITION

On September 24, 1992, the Medical Examining Board issued its Final Decision and Order in the above-captioned matter. By the terms of the board's order, respondent's surrender of his license to practice medicine and surgery in Wisconsin was accepted. By letter dated July 25, 1993, Dr. Duffy petitioned the board for return of the license. Dr. Duffy appeared before the board on August 25, 1993, in support of his petition and the board considered the matter on that date.

Based upon Dr. Duffy's petition and upon all other information of record herein, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the petition of John Louis Duffy, M.D., for reinstatement of his license to practice medicine and surgery in Wisconsin be, and hereby is, denied.

DISCUSSION

While it would appear that Dr. Duffy has made considerable rehabilitative progress over the period of the last year, the board is not convinced that his rehabilitation has progressed to the point where he may be relicensed in Wisconsin. One of the problems in that regard is that the disciplinary action in Wisconsin was based on the suspension of his license in Minnesota. That state's medical board, which possesses the full record of those matters upon which their disciplinary action was based, has not seen fit to lift the suspension of Dr. Duffy's license. While that fact does not deprive this board of jurisdiction to act favorably on Dr. Duffy's petition, considerations of comity militate for considerable circumspection in terms of returning the license before Minnesota takes some action in that regard. Should Minnesota act favorably on a petition by Dr. Duffy for reinstatement in that state, the board invites him to renew his petition before this board.


John Louis Duffy, M.D.

Page 2

PLEASE TAKE NOTICE that pursuant to Wis. Stats. sec. 227.42 and Wis. Adm. Code ch. RL 1, you may have a right to a hearing on the denial of the license requested. You may request such hearing if your request is received in the office of the Medical Examining Board within thirty days of the date hereof. The request must include your name and address, the type of license for which you have applied, the reasons why you have requested a hearing, the facts which you intend to prove at hearing, and an explanation of the mistake you believe was made, if you claim that the denial of the license is based on a mistake in fact or law. Within 20 days of receipt of a request for hearing, the board shall grant or deny the request, but the request will be granted if the foregoing requirements are met. If the request for hearing is granted, you will be notified of the time, place and nature of the hearing. If the request for a hearing is denied, you will be notified in writing of the reason for denial.

Dated this 2 day of Sept, 1993.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by 
Clark O. Olsen, M.D.
Secretary

C00:WRA:BDLS2:3598

BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

JOHN LOUIS DUFFY, M.D.,
RESPONDENT

:
:
:
:
:

AFFIDAVIT OF SERVICE

Kristena Hendrickson, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on July 27, 1992 she served the following upon the respondent's attorney:

Interim Decision and Order LS9206252MED dated July 23, 1992

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondent's attorney at:

Jack S. Nordby
1616 Park Avenue
Minneapolis, MN 55404
Certified P 992 818 830

Kristena Hendrickson

Kristena Hendrickson
Department of Regulation and Licensing

Subscribed and sworn before me
this 27 day of July, 1992.

Patsy M. Strassburg
Notary Public
Dane County, Wisconsin
My Commission Expires 11/6/94

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

INTERIM DECISION AND ORDER

JOHN LOUIS DUFFY, M.D.
RESPONDENT.

92 MED 209

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.

CONCLUSIONS OF LAW

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

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

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that the license of John Louis Duffy, M.D. is hereby SUSPENDED pending a final decision and order of the Board in this matter.

Dated this 23 day of July, 1992.

WISCONSIN MEDICAL EXAMINING BOARD

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

akt

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

JOHN LOUIS DUFFY, M.D.
RESPONDENT.

:
:
:
:
:
:

STIPULATION

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. Respondent is aware and understands his rights with respect to the summary suspension which is in effect. In particular, respondent knows that he has the right to a hearing within 30 days of the suspension, and that such hearing is scheduled for July 20, 1982.

2. By entering into this Stipulation, Respondent voluntarily and knowingly waives the right to a hearing within 30 days of his summary suspension.

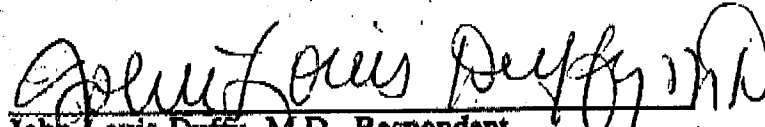
3. Respondent is aware of his right to seek legal representation and has obtained legal advice prior to execution of this Stipulation.

4. Respondent, by entering into this agreement, requests that the Board delay the hearing so that respondent may better prepare for hearing, and may undergo further testing and whatever treatment is indicated, and further requests that the suspension extend until such time as a final decision is issued in this matter by the Board.


5. 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.

Stipulation
Page 2

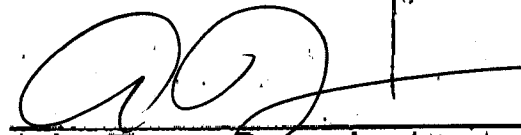
6. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Order.


John Louis Duffy, M.D., Respondent

20 July 97
Date


Jack S. Nordby, Attorney for Respondent

17 July 97
Date


Arthur Thexton, Prosecuting Attorney
Division of Enforcement

7/22/92
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 July 27, 1992.

BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN L. DUFFY, M.D.,
RESPONDENT.

AFFIDAVIT OF SERVICE

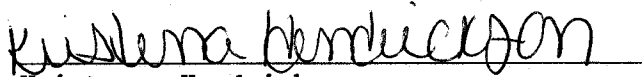
Kristena Hendrickson, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on June 29, 1992 she served the following upon the respondent and the respondent's attorney:

Order Granting Petition for Summary Suspension and Suspending the License dated June 25, 1992

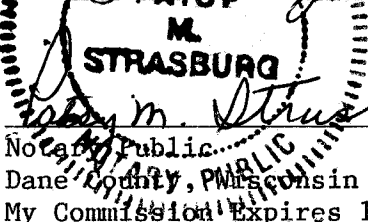
by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondent and the Respondent's attorney at:

John L. Duffy, M.D.,
1111 Aldrich
Boone, IA 50036
Certified P 568 982 777

Jack S. Nordby
Attorney at Law
1616 Park Avenue
Minneapolis, MN 55404
Certified P 568 982 776


Kristena Hendrickson
Department of Regulation and Licensing

Subscribed and sworn to before me
this 30 day of June, 1992.


M. Strasburg
Notary Public
Dane County, Wisconsin
My Commission Expires 11/6/94

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

JOHN L. DUFFY, M.D.

Respondent

ORDER GRANTING PETITION FOR SUMMARY SUSPENSION
AND SUSPENDING THE LICENSE

TO: Jack S. Nordby
Attorney at Law
1616 Park Avenue
Minneapolis, MN 55404

Arthur Thexton
Attorney at Law
1400 East Washington Avenue, Room 183
P.O. Box 8935
Madison, WI 53708

On June 19, 1992, the Department of Regulation and Licensing, petitioner herein, by Attorney Arthur Thexton, filed its Petition for Summary Suspension of License in the above-captioned matter, petitioning the Medical Examining Board to issue an order pursuant to Wis. Stats. sec. 448.02(4) for the summary suspension of the license of John L. Duffy, M.D., to practice medicine and surgery in the State of Wisconsin. Respondent was notified of the petition, and of the time and place when the petition was to be presented to the board, by petitioner's Notice of Hearing on Summary Suspension served on June 19, 1992, by telephonic facsimile transmission (FAX) to the offices of Jack S. Nordby, attorney for Dr. Duffy.

In support of the petition, petitioner offered a verified Complaint setting forth multiple allegations of conduct by respondent violating Wis. Adm. Code sections Med 10.02(2)(h), (i) and (q); and attaching the Order for Temporary Suspension in the Matter of the Medical License of John Louis Duffy, MD, issued by the Minnesota Board of Medical Practice on January 11, 1992.

On June 24, 1992, the board met to consider whether there is probable cause to believe that the respondent has violated the provisions of Wis. Stats. ch. 448, and to believe further that it is necessary to suspend respondent's license immediately to protect the public health, safety or welfare. Mr. Thexton appeared for the Department of Regulation and Licensing. Dr. Duffy appeared without legal counsel and provided the board with oral testimony and various documentation, including a Discharge Summary of his treatment at the Talbott Recovery Center, Atlanta, Georgia.

Based upon petitioner's Petition and other information of record herein, the board makes the following Findings and Order.

FINDINGS

1. Pursuant to Wis. Stats. sec. 448.02(3), there is probable cause to believe that Dr. Duffy is guilty of unprofessional conduct.
2. Pursuant to Wis. Stats. sec. 448.02(4), there is probable cause to believe that it is necessary to suspend respondent's license immediately to protect the public health, safety or welfare.

ORDER

NOW, THEREFORE, IT IS ORDERED that petitioner's Petition for Summary Suspension be, and hereby is, granted, and the license of John L. Duffy, M.D., to practice medicine and surgery in the State of Wisconsin is hereby summarily suspended. The suspension of the license shall remain in effect for 30 days. The board may extend the period of suspension for an additional 30 days while the hearing in this matter is in progress and, if respondent has caused a delay in the hearing process, the board may, by itself or its hearing examiner, extend the period of suspension until issuance of the board's final decision in the matter

NOTICE OF RIGHT TO HEARING TO SHOW CAUSE

PLEASE TAKE NOTICE that respondent has a right under Wis. Adm. Code sec. RL 6.09 to request a hearing to show cause why this summary suspension order should not be continued during those periods set forth in this Order. The request should be filed with the State of Wisconsin Medical Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin. If a hearing to show cause is requested, the hearing shall be scheduled to be held on a date within 20 days of the date of receipt in the board office of the request for hearing, unless a later time is requested by or agreed to by the respondent.

John L. Duffy, M.D.

Page 3

If a hearing to show cause is held, both the petitioner and the respondent may testify, may call, examine and cross-examine witnesses, and may offer other evidence. The petitioner shall have the burden to show by a preponderance of the evidence why the summary suspension order should be continued. At the conclusion of the hearing to show cause, the Medical Examining Board shall make findings and an order. If it is determined that the summary suspension order should not be continued, the suspended license shall be immediately restored.

Dated at Madison, Wisconsin this 25th day of June, 1992.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by B. Ann Neviase
B. Ann Neviase
Secretary

WRA:BDLS2:1917

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

:
:
:
:
:

FINAL DECISION AND ORDER

JOHN LOUIS DUFFY, M.D.
RESPONDENT.

92 MED 209

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 ____ day of _____, 1992.

WISCONSIN MEDICAL EXAMINING BOARD

by: _____
B. Ann Nevaizer, Secretary

akt

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

JOHN LOUIS DUFFY, M.D.
RESPONDENT.

STIPULATION

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

Page 2

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.

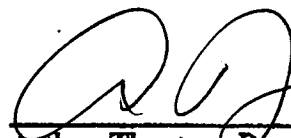
11. Respondent hereby surrenders his Wisconsin license and registration, to practice medicine and surgery, and attaches hereto all credentials issued by the state of Wisconsin, medical examining board. Respondent agrees that if he reapplies for Wisconsin licensure, the board may determine, in its sole 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