

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE	:	
INVESTIGATION OF	:	FINAL DECISION AND ORDER
	:	(90 MED 45)
MILTON FREEDMAN, M.D.,	:	
RESPONDENT.	:	

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

Milton Freedman, M.D.
1218 West Kilbourn Street, Suite 109
Milwaukee, WI 53233

State of 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

An investigation involving Milton Freedman, M.D. is currently pending before the Medical Examining Board under investigative file #90 MED 45. The parties to this matter, Milton Freedman, M.D. and Pamela M. Stach, Attorney for Complainant, 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 Medical Examining Board adopts the attached Stipulation and makes the following:

FINDING OF FACT

1. Milton Freedman, M.D., date of birth October 20, 1917, 1218 West Kilbourn Street, Suite 109, Milwaukee, WI 53233, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license #9004 which was granted on July 1, 1943.
2. Dr. Freedman is a sole practitioner who specializes in family practice.

3. The Medical Examining Board has a pending investigation against Dr. Freedman under investigative file #90 MED 45 which involves allegations of inappropriate prescribing and general patient care.

4. Dr. Freedman has altered his prescribing practices to include thorough screening of potential patients, including a requirement that those patients submit to drug screening if requested.

5. Dr. Freedman voluntarily discontinued the provision of treatment and prescriptions to the patients whose medical care was the subject of the investigation under investigative file 90 MED 45.

6. Respondent has been cooperative throughout the investigation and wishes to resolve this matter by providing the Medical Examining Board with evidence of his continued competence in the practice of medicine.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this matter pursuant to sec. 448.02, Stats.

2. The Wisconsin Medical Examining Board has the authority to resolve this matter by stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED, that in resolution of this matter, Milton Freedman, M.D. shall take and successfully complete with a score of not less than 75 points, the Special Purpose Examination (SPEX) given by the Federation of State Medical Boards of the United States within 90 days of the date of this Order. It shall be Dr. Freedman's responsibility to ensure evidence of successful completion is provided to the Medical Examining Board within 90 days of the date of this Order.

IT IS FURTHER ORDERED that in the event Dr. Freedman does not provide the Medical Examining Board with evidence of successful completion of the SPEX examination within 90 days of the date of this Order. The Medical Examining Board may, without further notice to Milton Freedman, M.D., or any further hearing on the matter, immediately suspend Dr. Freedman's license to practice medicine and surgery in the State of Wisconsin until such time as Dr. Freedman successfully completes the examination.

IT IS FURTHER ORDERED that the suspension of Dr. Freedman's license shall continue indefinitely until such time as he provides the Medical Examining Board with evidence

that he has retaken the SPEX examination and successfully completed said examination with a score of not less than 75 points. Upon receipt of such evidence, the Medical Examining Board shall immediately reinstate Dr. Freedman's 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".

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

Dated: Sept 27, 1995

W. R. Schwartz M.D.
W. R. Schwartz, M.D.
Secretary
Medical Examining Board

PMS:lmf
ATY-BLG1607

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE
INVESTIGATION OF

MILTON FREEDMAN, M.D.,
RESPONDENT.

STIPULATION
(90 MED 45)

It is hereby stipulated between Milton Freedman, M.D. personally and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Milton Freedman, M.D., Respondent herein, 1218 West Kilbourne Street, Suite 109, Milwaukee, WI 53233 is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license number 9004 which was granted on July 1, 1943.
2. Respondent is a family practitioner.
3. There is a pending investigative file involving Respondent entitled 90 MED 45.
4. Respondent is aware of and understands each of the Respondent's rights including the right to a hearing on the allegations against him at which time the state has the burden of proving these allegations by preponderance of the evidence (or by clear, satisfactory and convincing evidence where the alleged violations occurred before January 1, 1986); the right to confront and cross-examine witnesses against him; the right to call witnesses in his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decisions 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 of the rights afforded the Respondent under the United States Constitution, the Wisconsin Constitution and the Wisconsin Administrative Code.
5. Respondent freely, voluntarily and knowingly waives each and every one of the rights set forth in paragraph four above.
6. The Division of Enforcement recommends that the Wisconsin Medical Examining Board adopt this Stipulation and issue the attached Final Decision and Order in resolution of this matter.
7. Violation of the terms and conditions specified in this Stipulation and Final Decision and Order shall constitute a basis for disciplinary action by the Medical Examining Board.

8. The parties to this Stipulation understand that the Department of Regulation and Licensing, Division of Enforcement will take no further action against Respondent's license based on the allegations contained in the pending investigative file.

9. This agreement in no way prohibits the Medical Examining Board from any further action against Respondent based on acts not alleged in the pending investigative file which might be violative of the Wisconsin Medical Examining Board statutes and rules.

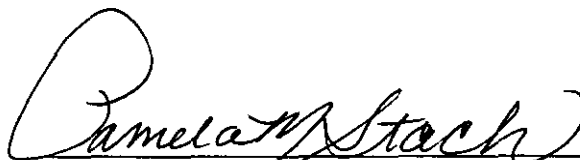
10. All parties agree that counsel for the parties and the board advisor assigned to this case, may appear before the Board in session to argue on behalf of acceptance of this Stipulation.

11. This Stipulation and Final Decision and Order, if adopted and entered by the Medical Examining Board, shall become effective on signing.

12. All costs of these proceedings incurred by either party are hereby waived.

13. In the event any term or condition of this Stipulation and Final Decision and Order is not accepted or entered by the Medical Examining Board, then no term of this Stipulation; and Final Decision and Order shall be binding in any manner on any party to this Stipulation.

Dated: 9-26-95



Pamela M. Stach, Attorney
Department of Regulation and Licensing

I, Milton Freedman, M.D., having read the above stipulation and understanding its terms, do hereby, freely, voluntarily and knowingly enter into this Stipulation.

Dated: 9-22-95



Milton Freedman, M.D.
Respondent

PMS:lmf
ATY-BLG1606

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.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN MEDICAL EXAMINING BOARD.

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

SEPTEMBER 28, 1995.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)