

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF	:	FINAL DECISION
	:	AND ORDER
JOHN J. MASSART, M.D.,	:	(92 MED 419; 93 MED 253)

The parties to this proceeding for purposes of sec. 227.53, Stats. are:

John J. Massart, M.D.
W142 N6292 Mill Ridge Drive
Menomonee Falls, WI 53051

Wisconsin Medical Examining Board
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by John J. Massart, M.D., personally, and by Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. John J. Massart, M.D., W142 N6292 Mill Ridge Drive, Menomonee Falls, WI 53051 was born on 10/05/35 and has been licensed and currently registered to practice medicine and surgery in the State of Wisconsin since 07/27/62, license #14395.
2. Formal investigations, #92 MED 419 and #93 MED 253, are pending before the Wisconsin Medical Examining Board. #92 MED 419 raises issues concerning management of gestational diabetes and the timing of a C-section. #93 MED 253 raises issues concerning fetal distress and the timing of a C-section.
3. Dr. Massart is currently retired from the practice of medicine and surgery in the State of Wisconsin and does not intend to return to the practice of medicine and surgery at any time in the future.
4. Dr. Massart is not licensed to practice medicine and surgery in any other state.
5. Dr. Massart, in consideration of his retirement from the practice of medicine and surgery in the State of Wisconsin, has voluntarily tendered the surrender of his current registration to practice

medicine and surgery in the State of Wisconsin, effective 06/01/95, and agreed not to reregister at any time in the future.

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 the Wisconsin Medical Examining Board accepts the voluntary surrender of Dr. Massart's registration to practice medicine and surgery in the State of Wisconsin, effective 06/01/95.

IT IS FURTHER ORDERED that Dr. Massart shall not reregister at any time in the future.

IT IS FURTHER ORDERED that Dr. Massart shall not practice or attempt to practice medicine and surgery in the State of Wisconsin when not currently registered.

IT IS FURTHER ORDERED that the pending investigations, 92 MED 419 and 93 MED 253, shall be and hereby are closed without further proceedings.

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin, this 26th day of April, 1995.

WISCONSIN MEDICAL EXAMINING BOARD

Walter R. Schwartz
Walter R. Schwartz, Secretary

GCL:kcb
ATY-DLG1490

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF	:	STIPULATION
	:	(92 MED 419; 93 MED 253)
JOHN J. MASSART, M.D.,	:	

It is hereby stipulated between John J. Massart, M.D., personally, and Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. John J. Massart, M.D., W142 N6292 Mill Ridge Drive, Menomonee Falls, Wisconsin 53051, was born on 10/05/35 and has been licensed and currently registered to practice medicine and surgery in the State of Wisconsin since 07/27/62, license #14395.
2. Formal investigations, #92 MED 419 and #93 MED 253, are pending before the Wisconsin Medical Examining Board. #92 MED 419 raises issues concerning management of gestational diabetes and the timing of a C-section. #93 MED 253 raises issues concerning fetal distress and the timing of a C-section.
3. Dr. Massart is currently retired from the practice of medicine and surgery in the State of Wisconsin and does not intend to return to the practice of medicine and surgery at any time in the future.
4. Dr. Massart is not licensed to practice medicine and surgery in any other state.
5. Dr. Massart, in consideration of his retirement from the practice of medicine and surgery in the State of Wisconsin, voluntarily surrenders his current registration to practice medicine and surgery in the State of Wisconsin, effective 06/01/95, and agrees not to reregister at any time in the future.
6. The pending investigations, #92 MED 419 and #93 MED 253, will be closed without further proceedings.
7. The Wisconsin Medical Examining Board may enter the Final Decision and Order, a copy of which is attached hereto and incorporated herein.
8. The parties waive all costs of this proceeding.
9. Dr. Massart understands that by signing this Stipulation, he freely, voluntarily and knowingly waives his rights, including the right to be represented by an attorney, the right to a hearing on the allegations against him, the right to confront and cross-examine witnesses against him, the right to call witnesses on his behalf and to compel their attendance by subpoena, the right to testify on his own behalf, 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 and Order,

the right to petition for rehearing, the right to judicial review, and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

10. The parties to this Stipulation and the Board Advisor, Walter R. Schwartz, M.D., may appear before the Wisconsin Medical Examining Board in support of this Stipulation. Any appearance of any party pursuant to this paragraph shall be preceded by proper and timely notice to all parties to this proceeding.

11. If any term of this Stipulation or the incorporated Final Decision and Order is not accepted by the Wisconsin Medical Examining Board, then no term of this Stipulation or the Final Decision and Order will be binding in any manner on any party, and the matter will be returned to the Division of Enforcement for further proceedings.

Dated: April 17, 1995

John J. Massart M.D.
John J. Massart, M.D.

Dated: 4/18/95

Gilbert C. Lubcke
Gilbert C. Lubcke
Attorney for the Division of Enforcement

GCL:kcb
ATY-DLG1489

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:

APRIL 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.)