

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

BRUCE DAVID GORDON, M.D.,
RESPONDENT.

FINAL DECISION AND ORDER
94 MED 270

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

Bruce David Gordon, M.D.
501 Granite Street
Hurley, WI 54534

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. Respondent Bruce David Gordon (dob 8/18/48) 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 #19987, first granted on 7/15/76. Respondent is listed in the board's records as a general practitioner, and practices internal medicine.

2. Respondent was, on November 18, 1993, ordered by the Board to submit, within 60 days, to an assessment of his knowledge and skills in the practice of internal medicine. On February 8, 1994, the assessor proposed an assessment program and requested a deposit from respondent. Respondent objected to the proposed program, and requested that the proposal be reviewed by the Board's designee. The Board's designee reviewed the proposal and found it to be appropriate on April 20, 1994. Respondent did not send the deposit or accept the program, and proposed that the assessor change the program to allow respondent to take certain continuing medical education programs which respondent had already taken, together with a single-session discussion. These requests were rejected, and respondent was asked again to accept the program and send his deposit. At the request of the Division of Enforcement, the assessor again wrote to respondent, and requested certain practice information from respondent, pursuant to the assessment program, on July 27, 1994. Respondent sent a deposit for the assessment on the same day. On September 12, 1994, the assessor had received part of the practice information data requested. Respondent did not send the rest of the data until October, 1994. Respondent then submitted himself to the assessment on November 16, 1994. The assessment did not show a need for remedial training in the areas assessed.

3. Respondent was also ordered to take one of two CME courses in prescribing controlled substances within one year of the date of the order. One of these courses was offered twice between then and November 18, 1994, and the other was offered once. Respondent had, as of November 18, 1994, not taken either course, and had not begun to arrange to take either course at the time the Complaint in this matter was filed.

CONCLUSIONS OF LAW

4. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to §448.02(3), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

5. The conduct described in paragraphs 2 and 3, above, violated § Med 10.02(2)(b), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

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

IT IS FURTHER ORDERED, that Bruce David Gordon, M.D., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that the license to practice medicine and surgery of respondent is LIMITED in that respondent shall take and satisfactorily pass the course in prescribing controlled substances offered by Forensic and Educational Consultants (as set forth in the attached Exhibit A) from May 1-6, 1995, and shall release all records of his attendance and performance to the Board.

IT IS FURTHER ORDERED, that respondent's license to practice medicine and surgery is SUSPENDED for the period April 30--May 7, 1995, inclusive.

IT IS FURTHER ORDERED, that respondent shall pay the costs of investigating and prosecuting this matter in the amount of \$300, within 30 days of this order.

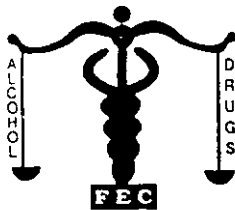
IT IS FURTHER ORDERED, that pursuant to §448.02(4), Wis. Stats., if the Board has in its possession evidence establishing probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license and registration of respondent be summarily suspended pending investigation of the alleged violation.

Dated this 21 day of Jan, 1995.

WISCONSIN MEDICAL EXAMINING BOARD

by:


Clark O. Olsen, M.D., Chair



Reply to.

☐ 110 S. Nassau Avenue
Margate, NJ 08402

FORENSIC and EDUCATIONAL CONSULTANTS

Alcohol and Drug Abuse

William Vilensky, R. Ph., D.O.
Medical Director

☐ P.O. Box 640
Chester, MD 21619

FAX on request



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :

BRUCE DAVID GORDON, M.D., :
RESPONDENT. :

STIPULATION
94 MED 270

It is hereby stipulated between the above Respondent and the undersigned prosecuting attorney for the Division of Enforcement of the Department of Regulation and Licensing, 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 agreement and without the necessity of a hearing on the formal complaint which has been issued in this matter.

2. Respondent understands that by signing this Stipulation, respondent waives the following rights with respect to this disciplinary proceeding: the right to a hearing at which time the State has the burden of proving the allegations set forth in the complaint; the right to confront and cross-examine the witnesses against respondent; the right to call witnesses on respondent's behalf and to compel attendance of witnesses by subpoena; the right to testify personally; 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 respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of respondent's right to seek legal representation and has obtained legal advice before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties 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. 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 the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties agree that an attorney for the Division of Enforcement may appear before the Board, in open or closed session, without the presence of Respondent or Respondent's attorney, for the purposes of speaking in support of this agreement and answering questions that the members of the Board and its staff may have in connection with their deliberations on the case.

7. The Board Advisor in this matter may participate freely in any deliberations of the Board regarding acceptance of this Stipulation and the proposed Final Order, and may relate to the Board any knowledge and view of the case acquired during the investigation.

8 This stipulation is subject to approval by the Division of Enforcement's attorney-supervisor. If approved by the supervisor, the Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

9 Respondent is informed that should the Board adopt this stipulation, the Board's final decision and order is a public record and will be published in the Monthly Disciplinary Report issued by the department. A summary of the order will be published in the Wisconsin Regulatory Digest issued semiannually by the Board. This is standard department procedure and in no way specially directed at Respondent.

Bruce Anderson Jan. 20, 1995
Respondent Date

Joy L. O'Grosky January 20, 1995
Joy O'Grosky, Attorney for Respondent Date

Arthur Heydon 1/27/95
Prosecuting Attorney Date
Division of Enforcement

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:

FEBRUARY 7, 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.)