

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JOHN T. BRENNAN, M.D.,
RESPONDENT.

FINAL DECISION AND ORDER
93 MED 572

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

John T. Brennan, M.D.
32 Crescent Avenue
La Crescent, MN 55947

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 parties in this matter, John T. Brennan, M.D., Respondent, personally and by his attorney, Daniel Hildebrand, 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 Wisconsin Medical Examining Board. The Board has reviewed the Stipulation and considers it acceptable. Accordingly, the Wisconsin Medical Examining Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. John T. Brennan, Respondent herein, 32 Crescent Avenue, La Crescent, Minnesota, 55947, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license no. 16368 which was granted on July 1, 1968.
2. Respondent is duly licensed to practice medicine and surgery in Minnesota.
3. On November 13, 1993, Respondent's license to practice medicine and surgery in the State of Minnesota was limited upon the terms and conditions set forth in the Order which is attached hereto as Exhibit A.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this disciplinary proceeding pursuant to Wis. Stats., sec. 448.02.
2. The Medical Examining Board has the authority to resolve this disciplinary proceeding by Stipulation without commencing a formal disciplinary hearing pursuant to Wis. Stats., sec. 227.44(5).
3. By having his license to practice medicine and surgery in the State of Minnesota limited by the licensing authority of that state, Respondent is in violation of Wis. Stats., sec. 448.02(3) and Wis. Adm. Code MED 10.02(2)(q).

ORDER

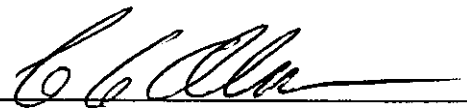
NOW THEREFORE IT IS ORDERED that the Stipulation of the parties is accepted.

IT IS FURTHER ORDERED that John T. Brennan, M.D., is hereby reprimanded by the Wisconsin Medical Examining Board.

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

Dated at Madison, Wisconsin this 28 day of June, 1995.

WISCONSIN MEDICAL EXAMINING BOARD



CLARK OLSON, M.D.

Chairman

PMS:daw
ATY-FLG2085

93 ME0572



MINNESOTA BOARD OF MEDICAL PRACTICE

2700 University Avenue West, #106 St. Paul, MN 55114-1080 (612) 642-0538

CERTIFICATION OF DISCIPLINARY ACTIONS

ORDER DATED November 13, 1993
IN THE MATTER OF: John T. Brennan, M.D.
CITY AND STATE OF: Houston, MN

I, H. Leonard Boche, Executive Director of the Minnesota Board of Medical Practice, Do hereby certify that the attached Board Order is a copy of the original official record on file in the office of the Minnesota Board of Medical Practice. As Executive Director, I am the official custodian of such documents and I have personally compared the attached copy with the original and find it to be a true and correct copy thereof.

H. Leonard Boche,
Executive Director
Minnesota Board of Medical Practice

(S E A L)

Exhibit A

BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE

In the Matter of the
Medical License of
John T. Brennan, M.D.

Date of Birth: 10-29-42
License Number: 21,682

STIPULATION
AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between John T. Brennan, M.D. ("Respondent"), and the Minnesota Board of Medical Practice ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota;

FACTS

2. For the purpose of this stipulation, the Board may consider the following facts as true:

a. Respondent's physician assistant used a rubber stamp of Respondent's signature to prescribe medications, a fact which Respondent, as supervising physician should have known;

b. On one or more occasions, Respondent failed to supervise his physician assistant.

STATUTES

3. The Board views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1(g) and (h) (1992) and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action;

REMEDY

4. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until

further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order reprimanding Respondent based upon the conduct referenced in paragraph 2;

5. Within ten days of the date of this order, Respondent shall provide the Board with a list of all hospitals at which Respondent currently has medical privileges and a list of all states in which Respondent is licensed or has applied for licensure. The information shall be sent to Robert Leach, Board of Medical Practice, Suite 106, 2700 University Avenue West, St. Paul, Minnesota 55114;

6. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto;

7. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter and has chosen to be represented by James A. Schultz;

8. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein;

9. Respondent hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or

otherwise, which varies the terms of this stipulation.

Dated: 9-15, 1993

John T. Brennan M.D.
John T. Brennan, M.D.
Respondent

210 East Cedar Street
Houston, Minnesota 55943

James A. Schultz
James A. Schultz
Attorney for Respondent

111 E. Cedar Street
Houston, Minnesota 55943

Telephone: (507)896-3156

Linda F. Close
Linda F. Close
Attorney for Board

500 Capitol Office Building
525 Park Street
St. Paul, Minnesota 55103
Telephone: (612) 297-2040

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Board this 13 day of Nov, 1993.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: Donald Roche

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

JOHN T. BRENNAN, M.D., :
RESPONDENT. :

STIPULATION
93 MED 572

It is hereby stipulated between John T. Brennan, M.D., personally and through his attorney, Daniel W. Hildebrand, and Pamela M. Stach, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. John T. Brennan, M.D., Respondent herein, 32 Crescent Avenue, La Crescent, Minnesota 55947, is duly licensed to practice medicine and surgery in the state of Wisconsin under license no. 16368 which was granted on July 1, 1968.
2. A complaint was filed against and duly served upon Respondent on March 3, 1995.
3. Respondent has read the Complaint and understands the nature of the allegations against him.
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; 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 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 4 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. For the purpose of this Stipulation only, Respondent withdraws his previously filed Answer with regard to this Complaint, and voluntarily agrees to entry of the attached Final Decision and Order by the Medical Examining Board.
8. 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.

9. The parties to the Stipulation understand that the Department of Regulation and Licensing, Division of Enforcement will take no further action against Respondent's licensed based on the allegations contained in this Complaint unless Respondent violates the terms and conditions of this Stipulation and Final Decision and Order in which event the Department may reinstate the Complaint and reinstate proceedings against Respondent.


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

11. The parties agree to waive the Proposed Decision of the Administrative Law Judge and submit this Stipulation directly to the Medical Examining Board. All parties agree that counsel for the parties and the board advisor assigned to this case, may appear before the Board in open session to argue on behalf of acceptance of this Stipulation.

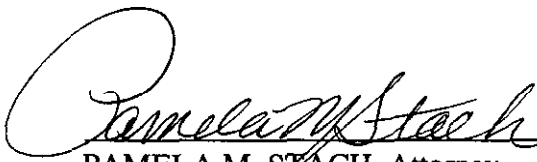
12. This Stipulation and Final Decision and Order, if adopted and entered by the Medical Examining Board, shall become effective on the date of signing.

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: June 8, 1995


DANIEL W. HILDEBRAND, Attorney for
Respondent

Dated: June 16, 1995


PAMELA M. STACH, Attorney
Department of Regulation and Licensing

I, John T. Brennan, M.D., having read the above Stipulation and having discussed its contents with my attorney and understanding its terms, do hereby, freely, voluntarily and knowingly enter into this Stipulation.

Dated: June 10, 1995


JOHN T. BRENNAN, M.D., Respondent

PMS:daw
ATY-FLG2084

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:

JUNE 30, 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.)