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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

PIERRE E. SLIGHTAM, M.D.,

Respondent

ORDER ESTABLISHING DEADLINE

On November 25, 1987, 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 license to practice medicine and surgery in Wisconsin was indefinitely suspended, with the suspension stayed conditioned upon respondent's compliance with certain terms and conditions. Respondent was to apply for and commence a one-year AMA approved family practice residency program approved by Dr. Thomas C. Meyer, M.D., Director of the Continuing Medical Education Program of the University of Wisconsin, Madison; and was prohibited from engaging in the practice of obstetrics and prenatal care.

By submissions dated December 14 and 24, 1987, respondent presented evidence satisfactory to the board that the conditions imposed by the foregoing Order could not with due diligence be complied with. The board therefore modified its Order to extend the date upon which respondent was required to commence the family practice residency program from February 1, 1988 to July 1, 1988.

On February 5, 1988, respondent filed his Petition for Review of the board's Final Decision and Order in the Circuit Court for Brown County. Respondent petitioned for and received a stay of the board's Order pending appeal, and that stay remained in effect for the duration of the appeal process, which concluded with the denial of respondent's petition for review by the Wisconsin Supreme Court on July 6, 1990.

Based on the foregoing, the board issued its Order Modifying the Final Decision and Order on August 15, 1990. By the terms of the board's Order, the February 24, 1988, Order was modified to extend the deadline for commencement of the family practice residency program until March 1, 1991.

By letter dated February 11, 1991, Attorney Ronald Wallenfang petitioned the board for a further extension of the deadline to July 15, 1991, based upon Dr. Slightam's having been called to active duty in the Persian Gulf. That request was granted by the board by its Order Granting Extension dated April 1, 1991.

Following an exchange of correspondence between various parties relating to Dr. Slightam's continued failure to undergo the evaluation by Dr. Meyer and to commence participation in a residency program approved by Dr. Meyer, as required by the board's Order, the board again placed the matter on the agenda for its October 24, 1991, meeting. Thereafter, on November 1, 1991, the board entered the following Order:

NOW, THEREFORE, IT IS ORDERED that the license of Pierre E. Slightam, M.D. to practice medicine and surgery in Wisconsin is suspended indefinitely.

IT IS FURTHER ORDERED that the suspension of Dr. Slightam's license shall be stayed pending satisfactory compliance with the following terms and conditions:

- (1) On or before February 1, 1992, Dr. Slightam shall apply for and commence a one year family practice residency program. Dr. Slightam shall submit to an evaluation by Thomas Meyer, M.D., Director of the Continuing Medical Education Department of the University of Wisconsin, Madison, to establish the appropriateness and satisfactory design of the program.
- (2) Prior to undertaking the residency program, Dr. Slightam shall be responsible for submission by Dr. Meyer of a report establishing that in the opinion of Dr. Meyer, the program is of satisfactory design.
- (3) Upon completion of the residency program, Dr. Slightam shall be responsible for submission by Dr. Meyer of a report establishing that in the opinion of Dr. Meyer, Dr. Slightam has satisfactorily completed the required program.

IT IS FURTHER ORDERED that upon satisfactory completion of the foregoing requirements, the period of suspension of Dr. Slightam's license shall terminate.

IT IS FURTHER ORDERED that Dr. Slightam shall not engage in the practice of obstetrics and prenatal care.

On February 17, 1992, the board received a copy of a letter from Dr. Meyer addressed to Gilbert C. Lubcke, attorney for the complainant in this matter, indicating that an assessment had been performed on January 16 and 30, 1992, and that what Dr. Meyer considered to be an appropriate program had been designed. Dr. Meyer further indicated that he would not proceed to detailed planning of the educational program until receiving approval from both the Medical Examining Board and Dr. Slightam. The board considered the matter at its meeting of March 26, 1992, and, by its Order dated April 2, 1992, the board approved the recommended program

By his letter dated June 2, 1992, Dr. Meyer notified the board that he had been unsuccessful in arranging for that element of the personalized educational program consisting of a three month miniresidency following completion of the basic science component of the program. In substitution of the miniresidency, Dr. Meyer suggested the possibility of providing a mentor who

would review Dr. Slightam's patient records and make observations and recommendations. Dr. Meyer offered to attempt to find such a mentor if the board would approve this modification to the program. The board approved that modification by its Order dated July 6, 1992.

By his letter dated October 10, 1994, to Dr. Slightam, Dr. Meyer notified Dr. Slightam that Dr. Thomas Peterson had consented to be mentor for the proposed remedial CME program, and that they were therefore in a position to implement the program. The letter also set forth the revised costs of the program based on the fact that "things have changed significantly since [the program] was first developed."

Dr. Slightam responded by letter dated November 28, 1994, indicating that his financial situation had worsened since his last contact with Dr. Peterson four years previous, and concluding as follows:

I have every intention of complying with the MEB order and completing a program approvable by everyone involved, including [the Division of Vocational Rehabilitation], and subject to their financial assistance. I am in the process of reapplying for that assistance and will keep you apprised of DVR's decision on my application.

Dr. Meyer responded to Dr. Slightam on December 1, 1994, with a copy to the board, suggesting that Dr. Slightam consider starting the Home Study Courses and paying the costs of the program on a monthly basis. The board considered that correspondence at its meeting of January 26, 1995. Based upon that correspondence and other documentation of record in this matter going back to the board's original Final Decision and Order in the matter dated November 25, 1987, the board on February 3, 1995, ordered that Dr. Slightam start the remedial program recommended by Dr. Meyer and approved by the board in its Order of July 6, 1992, not later than 45 days from the date of the order.

On February 24, 1995, Dr. Slightam, by Attorney Ronald L. Wallenfang, filed his petition for review of the February 3, 1995, board order in part on the basis that "The Order was issued without notice to the petitioner, without a hearing, and without providing Petitioner an opportunity to present arguments and witnesses on his behalf or to appear by counsel of his choice."

At its meeting of August 23, 1995, the board considered a letter from Dr. Thomas C. Meyer to Dr. Slightam, with a copy to the board's agent, relating to Dr. Slightam's continuing failure to comply with the board's disciplinary order. That letter, dated August 16, 1995, includes the following:

You raise another question. Should you not be permitted to have 2 years to complete each course as specified in the brochures? The answer is no. The brochures relate to physicians who are doing these courses voluntarily. You are under an order from the Medical Examining Board requiring you to do this coursework as remediation. There is a great difference between voluntary and remedial CME. Furthermore, you have shown yourself to use every conceivable delaying tactic - and I look upon this as the latest - to avoid what is

necessary. If we do not put some constraints on your time, I can see you delaying the completion of these requirements indefinitely.

Based upon that letter and other information of record, the board, on August 31, 1995, issued its Order Establishing Deadline, by which Dr. Slightam was ordered to complete the remedial program recommended by Dr. Meyer and approved by the board on July 6, 1992, not later than December 20, 1995. This order was also appealed by Dr. Slightam.

On October 2, 1995, the Circuit Court for Brown County, the Honorable William M. Atkinson presiding, issued its Final Order in the matter of Pierre E. Slightam, M.D., v. Medical Examining Board. The court's order states as follows:

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Because the board failed to provide Petitioner advance notice of the orders it made on February 3, 1995 and August 31, 1995 and its resultant failure to present Petitioner with an opportunity to respond to those proposed Orders before they were entered, those Orders and each of them may be and hereby are set aside.

2. This matter is remanded to Respondent for further proceedings consistent with the foregoing determination.

3. This Order is intended to constitute a final adjudication of the matters submitted to this Court.

By letter dated November 16, 1995, Dr. Slightam was notified that oral arguments in the matter of further scheduling of deadlines for complying with the board's disciplinary order were to be conducted before the board at its meeting of December 14, 1995. By letter dated November 17, 1995, Dr. Slightam, by Mr. Wallenfang, requested a "contested case hearing," and objected to scheduling oral arguments, among other objections. The board responded by letter addressed to Mr. Wallenfang dated November 27, 1995. The concluding paragraph of that letter includes the following:

The court's October 2, 1995, Order seems very clear. The matter was remanded because the board had not given Dr. Slightam an opportunity to respond to the board's proposed imposition of scheduling deadlines. The purpose of the oral arguments scheduled for December 14, 1995, is thus equally clear. It is to permit Dr. Slightam an opportunity to present his position on appropriate deadlines to be established for his compliance with the board's previous order. Should you deem it appropriate to present other arguments, issues and petitions in the time allotted, you may of course do that. From the board's standpoint, however, issues long since litigated and resolved are irrelevant to the only issue required to be addressed by the board on remand

As an accommodation to Mr. Wallenfang's schedule, the oral arguments in the matter were rescheduled to January 24, 1996. Dr. Slightam appeared in person and by Attorney Wallenfang. The Division of Enforcement appeared by Mr. Lubcke. Dr. Slightam submitted what was marked Slightam Exhibit #1, consisting of various affidavits and documents of record relating to

issues other than the issue of an appropriate deadline for compliance with the board's previous order. Mr. Lubcke submitted what were marked Department Exhibits 1, 2 and 3. Exhibit #1 is the board's Order Approving Program dated April 2, 1992, with Dr. Meyer's letter dated February 14, 1992, describing the program appended thereto. Exhibit #2 is the board's Order Approving Modification to the Program dated July 6, 1992, with Dr. Meyer's June 2, 1992, letter describing the required modification appended thereto. Exhibit #3 is a letter dated January 12, 1996, estimating the time necessary for Dr. Slightam to complete the program. Excerpts from that letter include the following:

This is in response to your request for an estimate of the time necessary for Dr. Slightam to complete the schedule of study proposed following assessment performed on January 16 and January 30, 1992.

Dr. Slightam completed the Pharmacology course in 4 months. That course is completed in a mean of 41 hours as reported by others who have taken it. From my conversations with Dr. Slightam during the time he was taking the course, it was apparent that he was experiencing great difficulty, because of the terminology (which is in common use nowadays) was foreign to him. I suspect the same will hold with the other Home Study courses and therefore I am being generous in the time estimates, though have shortened the time estimate on the more "clinical" topics.

<u>Course</u>	<u>Proposed Time Allowance</u>	<u>Cost of Course</u>	<u>Mean hours reported by others taking the course</u>
Physiology	3 months	\$475	60 hours
Infectious diseases	2 months	\$395	41 hours
CV/Hypertension	4 months	\$1,070	115 hours
Hematology	2 months	\$475	53 hours

Thus, the Home Study should take him no more than 11 months with a total cost of \$2,415.

It is my intention to commence his supervised clinical experience at some time when Dr. Slightam has completed at least one clinically oriented course and am budgeting for a minimum of 8 visits spread over 8-12 months.

Based upon the oral arguments and other information of record herein, the board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. By its Final Decision and Order dated November 25, 1987, the Medical Examining Board suspended respondent's license for an indefinite period, with the suspension stayed on condition that respondent apply for and commence a family practice residency program approved

by Thomas Meyer, M.D., Director of the Continuing Medical Education Program of the University of Wisconsin, Madison.

2. By his petition dated February 5, 1988, respondent filed his petition for judicial review of the board's order. That appeal concluded with the denial of respondent's petition for review by the Wisconsin Supreme Court on July 6, 1990.

3. By its orders dated August 15, 1990, April 11, 1991, the board extended the deadlines established for completion of the program.

4. By its Order Approving Program dated April 2, 1992, the board approved an educational program submitted by Dr. Meyer. On July 6, 1992, the board approved a modification to the program.

5. At the time of the board's meeting of January 26, 1995, respondent had not yet commenced the required education program. By its Order dated February 3, 1995, the board ordered that the program be commenced within 45 days. By its order dated August 31, 1995, the board ordered that the deadline for completing the program was to be December 20, 1995.

6. Following appeal of the board's orders of February 3, 1995 and August 31, 1995, the Dane County Circuit Court, in Case No. 95-CV-260, remanded the matter to the board for further proceedings consistent with the court's finding that the challenged orders failed to present respondent with an opportunity to respond to the orders before they were entered.

CONCLUSIONS OF LAW

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

2. The Final Order of the Dane County Circuit Court, in Case No. 95-CV-260, required that the Medical Examining Board provide petitioner with an opportunity to be heard on the question of any deadline to be established for complying with the November 25, 1987, Final Decision and Order, as amended.

3. The Medical Examining Board has provided petitioner with an opportunity to be heard on the question of any deadline to be established for complying with the November 25, 1987, Final Decision and Order, as amended, and the board has therefore complied with the court's Order.

ORDER

NOW, THEREFORE, IT IS ORDERED that Pierre E. Slightam shall complete the remedial program recommended by Dr. Thomas Meyer, and approved by the board by its Order dated July 6, 1992, not later than June 30, 1997.

DISCUSSION

The estimate by Dr. Meyer of the estimated time required to complete the educational program recommended by the Continuing Medical Education department of the U.W. Madison Medical School, which is characterized by Dr. Meyer as "generous," estimates that the Home Study courses to be completed by Dr. Slightam should take no more than a total of 11 months. It would be Dr. Meyer's intent to begin the supervised clinical experience following completion of one Home Study course, and he estimates that the clinical experience would occur over a period of eight to 12 months. Assuming that Dr. Slightam undertakes the lengthiest Home Study course first (CV/Hypertension), he would begin the supervised clinical experience portion of the program after four months. Assuming that the latter portion of the program takes the longest estimated time to complete, Dr. Slightam should have completed the program in 16 months. Allowing for an additional month to permit Dr. Slightam to arrange for the orderly resumption of his efforts to comply with the board's order brings the total time for completion to 17 months, which is consistent with a deadline of June 30, 1997.

Dated this 29th day of January, 1996.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by B. Ann Nevaizer
B. Ann Nevaizer
Chair

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