

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

ROGER W. TURKINGTON, M.D.,

Case No. 93 MED 399

RESPONDENT

FINAL DECISION AND ORDER

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

Roger W. Turkington, M.D.
St. Luke's Medical Clinic
629 South Broad Street
Brooksville, FL 34601

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

Department of Regulation and Licensing
Division of Enforcement
1400 E. 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 Roger W. Turkington, M.D., personally, and by Mary H. Michal, attorney for Dr. Turkington, 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. Roger W Turkington, M.D., St. Luke's Medical Clinic, 629 South Broad Street, Brooksville, Florida 34601, was born on 1/13/36, and has been licensed to practice medicine and surgery in the state of Wisconsin since 7/14/71, license #17654. Dr. Turkington voluntarily permitted his registration to lapse on 11/1/95 and he is not currently registered to practice medicine and surgery in the state of Wisconsin.

2. Dr. Turkington is currently practicing medicine in Brooksville, Florida.

3. On 6/27/90, Dr. Turkington was convicted of tax misdemeanors in the United States District Court for the Eastern District of Wisconsin, upon his plea of guilty to three counts of willfully causing to be delivered and disclosed to an officer of the IRS a document which was known by Dr. Turkington to be fraudulent and false as to a material matter in violation of 26 U.S.C. sec. 7207 and 18 U.S.C. sec. 2.

4. Other than investigative files 93 MED 342 and 93 MED 399 and the Complaint arising out of 93 MED 399, Dr. Turkington has not been the subject of any other informal or formal complaint or investigation by the Wisconsin Medical Examining Board during his years of practice in Wisconsin.

CONCLUSIONS OF LAW

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

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

3. Dr. Turkington's misdemeanor tax convictions as set forth in the Findings of Fact are substantially related to the practice of medicine, and

REINHART | BOERNER | VAN DEUREN
NORRIS & RIESELBACH, S.C.

ATTORNEYS AT LAW

May 14, 1996



Wayne R. Austin, Esq.
Department of Regulation and Licensing
Room 171
1400 E. Washington Avenue
Madison, WI 53703

Dear Mr. Austin:

Re: Roger W. Turkington, M.D.
Case No. 93 MED 399

This is a follow-up to our telephone discussion regarding the language summarizing the disciplinary action involving my client, Dr. Turkington. The following, per our discussion, is proposed language:

"Stipulation to voluntarily relinquish license based on tax misdemeanor in 1990 and decision to establish residence outside of Wisconsin."

Please let me know if you need additional information or wish to discuss this further.

Sincerely,

Mary H. Michal

11099MHM:AC

cc Roger W. Turkington, M.D.
Christine C. Whitney, P.A.

constitute unprofessional conduct contrary to sec. 448.02(3), Stats. and Wis. Admin. Code sec. MED 10.02(2)(r).

ORDER

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

IT IS FURTHER ORDERED that Roger W. Turkington's voluntary relinquishment of his license to practice medicine and surgery in the state of Wisconsin is hereby accepted, and that pursuant to his voluntary agreement, he shall not apply for a license to practice medicine and surgery in the state of Wisconsin at any time in the future

IT IS FURTHER ORDERED that investigative files 93 MED 342 and 93 MED 399 shall be and hereby are closed without further proceedings.

IT IS FURTHER ORDERED that this Final Decision and Order concludes the disciplinary action arising out of the pending Complaint.

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 25th day of April, 1996

WISCONSIN MEDICAL EXAMINING
BOARD

Walter R. Schwartz, Secretary
Walter R. Schwartz, Secretary

STATE OF WISCONSIN
BEFORE THE
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

ROGER W. TURKINGTON, M.D.,

Case No 93 MED 399

RESPONDENT.

STIPULATION

It is hereby stipulated between Roger W. Turkington, M D., personally, and by his attorney, Mary H. Michal, and Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Roger W. Turkington, M.D., St. Luke's Medical Clinic, 629 S. Broad Street, Brooksville, Florida 34601, was born on 1/13/36, and has been licensed to practice medicine and surgery in the state of Wisconsin since 7/14/71, license #17654. Dr. Turkington voluntarily permitted his registration to lapse on 11/1/95 and he is not currently registered to practice medicine in the state of Wisconsin

2. Investigative files 93 MED 342 and 93 MED 399 and a formal Complaint based upon investigative file 93 MED 399 are pending before the Wisconsin Medical Examining Board.

3. Dr. Turkington neither admits nor denies the allegations of investigative files 93 MED 342 and 93 MED 399 and the Complaint arising out of 93 MED 399, but permits the Wisconsin Medical Examining Board to enter the Final Decision and Order, a copy of which is attached hereto and incorporated herein.

4 Dr. Turkington has moved his practice to Florida, has no intention to return to Wisconsin and therefore voluntarily relinquishes his license to practice medicine and surgery in the state of Wisconsin, and agrees not to apply for a license to practice medicine and surgery in the state of Wisconsin at any time in the future

5. The parties to this disciplinary proceeding waive all costs of the proceeding.

6. Dr. Turkington understands that by signing this Stipulation, he freely, voluntarily and knowingly waives his rights, including 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 decisions 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.

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

8. This Stipulation is subject to approval by the Board Advisor, Rodolfo Molina, M D., and acceptance by the Wisconsin Medical Examining Board.

9 If any term of this Stipulation or the incorporated Final Decision and Order is not approved by the Board Advisor and accepted by the Wisconsin Medical Examining Board, then no term of this Stipulation or 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. 4/10/96

Roger W. Turkington
Roger W. Turkington, M.D.
Respondent

Dated 4/15/96

Mary H. Michal
Mary H. Michal
Attorney for Roger W. Turkington, M.D.

Dated 4/15/96

Gilbert C. Lubeke
Gilbert C. Lubeke
Attorney for the Department of
Regulation and Licensing,
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:

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 29, 1996

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.)