

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

MAGTANOL DE QUINA, M.D.,
RESPONDENT.

ORDER OF SUSPENSION
91 MED 469

This matter came before the board at its regular noticed meeting of October 24, 1996. Present was Prosecuting Attorney Arthur Thexton. There was no appearance by or on behalf of respondent, and the board was informed by Atty Thexton that respondent's attorney Michael Pfau of Milwaukee had discussed this matter with Atty Thexton, and had informed Atty Thexton that there would not be an appearance at this time. Atty Pfau requested that Atty Thexton agree to adjourn this motion for one month, and Atty Thexton declined to agree.

FINDINGS OF FACT

1. Respondent Magtanol DeQuina (dob 6/17/39) 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 #20505, first granted on 11/15/76. Respondent is an internist.
2. On September 27, 1995, the Board adopted an Order in this matter pursuant to a stipulation of the parties, which limited respondent's license and provided, among other things, for the following:

IT IS FURTHER ORDERED, that the license to practice medicine and surgery of Magtanol DeQuina, M.D., is LIMITED as provided in §448.02(3)(e), Wis. Stats. and in these respects:

- B. Respondent shall, within nine months of this Order, take and achieve a score of 75 on the SPEX (Special Purpose Examination). Respondent may attempt the test twice during this time, but it is respondent's responsibility to schedule himself to take the examination in a timely manner if he wishes to leave himself the option of a second attempt. Respondent shall not attempt the examination more than twice without permission of the Board.
- C. If and only if he has not achieved a score of 75 on the SPEX within nine months of this order (or, under the circumstances, cannot possibly do so within the terms of this Order), respondent's license shall be further LIMITED by staff without further order of the Board in the following respects:
 - i. Respondent shall not have, maintain, or apply for hospital admitting privileges, nor admit or attempt to admit any patient to any hospital, nor be on the staff of any hospital, effective fifteen (15) days after receiving notice from staff that this limitation has been placed into effect. Respondent shall participate in an assessment of his knowledge and skills in the practice of internal medicine to be conducted by or in conjunction with the University of Wisconsin School of Medicine, Continuing Medical Education Program (UW-CME), pursuant to the attached protocol. Respondent shall initiate the assessment process within fifteen (15) days of the date after receiving notice from staff that this limitation has been placed into effect, and complete the assessment no later than ninety (90) days after that date.

IT IS FURTHER ORDERED, that pursuant to §448.02(4), Wis. Stats., if the Board determines that there is 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.

3. Pursuant to this Order, respondent took the SPEX on May 9 and again on June 20, 1996, and received scores of 70 on both occasions. On June 28, 1996, the Department Monitor notified respondent, pursuant to the Order, that his license was further limited in that his hospitalization privileges were terminated and that he was required to undergo the assessment at the University of Wisconsin School of Medicine, Continuing Medical Education Program. Because of his failure to achieve a score on the SPEX which would allow the Board to infer that he presently has the minimum fund of knowledge to practice medicine with minimum competence, and thus with skill and safety to patient and public, and because respondent has not taken the opportunity to prove that he has such knowledge by the alternate method provided by the Order, the Board cannot assure the public that respondent can practice with the degree of skill and safety which the Board's license requires. Therefore, it is appropriate that the Board suspend respondent's license pending investigation of the violation of the Board's Order, or until respondent demonstrates that he has the minimum competence needed to practice with skill and safety to patient and public.

4. Respondent has never contacted the UW-CME Program and has not initiated or completed the assessment as of October 16, 1996.

5. Respondent was served with a copy of the Notice of Motion and Motion through his attorney of record on October 17, 1996 by fax and mail.

CONCLUSION OF LAW

6. Respondent is in violation of the Board's Order of September 27, 1995. The Board has authority to act under that order, pursuant to its terms and conditions, and to enter this order of suspension. Service of the Notice of Motion and Motion was sufficient and timely.

ORDER

NOW, THEREFORE, IT IS ORDERED that respondent's request for a postponement is denied, and pursuant to the Board's order of September 27, 1995, the license and registration of respondent to practice medicine and surgery in Wisconsin is SUSPENDED pending investigation of the violation of the Board's order of September 27, 1995.

IT IS FURTHER ORDERED that notwithstanding that this is not a suspension pending hearing under §448.02(4), Stats., in that this suspension is ordered pursuant to the order of September 27, 1995 to which respondent stipulated, respondent may have the opportunity to be heard pursuant to the same procedures provided in that subsection and in ch. RL 6, Wis. Adm. Code. Authority is delegated to an administrative law judge of the department to hear the matter, and to recommend a decision to the board. The ALJ may exercise all of the authority which could be exercised by the board during the pendency of a request to be heard.

Dated this October 24, 1996

MEDICAL EXAMINING BOARD OF WISCONSIN, by:

B. Ann Neviasser
a member of the board
r\dequina.ord

BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

MAGTANOL DE QUINA, M.D.,
RESPONDENT.

AFFIDAVIT OF SERVICE

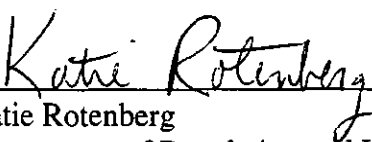
Katie Rotenberg, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on October 28, 1996, she served the following upon the respondent:

Order of Suspension dated October 24, 1996

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondent at:

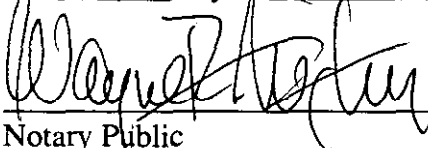
4819 S. Packard
Cudahy, WI 53110
Certified P 213 340 125

an address which appears in the files and records of the Medical Examining Board as the respondent's last known address.


Katie Rotenberg
Department of Regulation and Licensing

Subscribed and sworn to before me

this 28th day of October, 1996.



Notary Public
Dane County, Wisconsin
My Commission is Permanent

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:

October 28, 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.)