

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	:	
	:	FINAL DECISION AND ORDER
WALTER HOWARD PINKUS, M.D.,	:	93 MED 333
RESPONDENT	:	

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

Walter Howard Pinkus
5525 Green Bay Road
Kenosha, WI 53144

Medical Examining Board
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO 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. Walter Howard Pinkus, M.D. (DOB 12/21/23) is duly licensed to practice medicine and surgery in the state of Wisconsin (license #12101). This license was first granted on July 21, 1955. Dr. Pinkus is not licensed to practice medicine in any other state.

2. Dr. Pinkus' most recent address on file with the Wisconsin Medical Examining Board is 5525 Green Bay Road, Kenosha, WI 53144.

3. The Department has received reports of a claim paid from the National Practitioner's Data Bank and the Wisconsin Commissioner of Insurance regarding allegations that Dr. Pinkus damaged a median nerve during a carpal tunnel decompression surgery in 1990. The insurance payment was made as a settlement without an admission of liability by Dr. Pinkus.

4. Dr. Pinkus has retired from the active practice of medicine and in resolution of this matter, Dr. Pinkus consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

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

ORDER

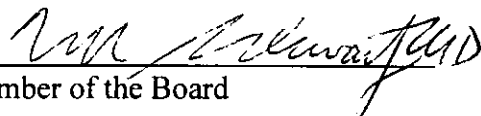
1. NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Stipulation is accepted.

2. IT IS FURTHER ORDERED that the Wisconsin license of Walter Howard Pinkus is LIMITED as follows: Until otherwise ordered by the Board, Dr. Pinkus shall refrain from performing surgery on the wrist or hand. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

3. Violation of any of the terms of this Order or the conditions imposed as a result of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Dr. Pinkus' license; the Board in its discretion may in the alternative impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.

4. This Order shall become effective on the date of its signing.

MEDICAL EXAMINING BOARD

By: 
A Member of the Board

8/22/96
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
WALTER HOWARD PINKUS, M.D.,	:	93 MED 333
RESPONDENT	:	

It is hereby stipulated between Walter Howard Pinkus, personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Dr. Pinkus' licensure by the Division of Enforcement (93 MED 333). Dr. Pinkus consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Dr. Pinkus understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Americans with Disabilities Act of 1990, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Dr. Pinkus is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.
4. Dr. Pinkus agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board. The parties to the Stipulation 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, 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. Attached to this Stipulation is the current licensure card of Walter Howard Pinkus. If the Board accepts the Stipulation, Dr. Pinkus' license shall be reissued in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license

of Dr. Pinkus shall be returned to him with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Medical Examining Board assigned as an advisor in this investigation may appear before the Medical Examining Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

8. The Division of Enforcement joins Dr. Pinkus in recommending the Medical Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

Walter Howard Pinkus M.D.
Walter Howard Pinkus, M.D.

July 24, 1996
Date

Steven M. Gloe
Steven M. Gloe, Attorney
Division of Enforcement

7 26 96
Date

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:

August 26, 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.)

BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

WALTER HOWARD PINKUS, 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 August 26, 1996, she served the following upon the respondent:

Final Decision and Order dated August 22, 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:

5525 Green Bay Road
Kenosha, WI 53144
Certified P 213 148 402

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

Katie Rotenberg
Katie Rotenberg
Department of Regulation and Licensing

Subscribed and sworn to before me

this 26th day of August, 1996.

Wayne K. Hoyer
Notary Public

Dane County, Wisconsin

My Commission is Permanent