

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF	:	
	:	FINAL DECISION AND ORDER
CORNELIS DEKKER, M.D.,	:	(94 MED 016)
RESPONDENT.	:	

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

Cornelis Dekker, M.D.
P.O. Box 367
Genoa City, WI 53182

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 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 Cornelis Dekker, M.D., 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. Cornelis Dekker, M.D., P.O. Box 367, Genoa City, Wisconsin 53182, was born on 08/11/24 and has been licensed and registered to practice medicine and surgery in the state of Wisconsin since 04/27/57, license #12611.

2. A formal investigation, 94 MED 016, is pending before the Wisconsin Medical Examining Board. The allegation which is the basis for the investigation is that in 1992 Dr. Dekker failed to make a timely diagnosis of an appendicitis.

3. Dr. Dekker is planning to retire from the practice of medicine and surgery in the state of Wisconsin on 12/31/96.

4. Dr. Dekker does not have an active license to practice medicine and surgery in any state other than Wisconsin.

5. Dr. Dekker, in consideration of his retirement from the practice of medicine and surgery in the state of Wisconsin, has tendered the voluntary surrender of his current registration effective 01/01/97 and has agreed that he will not register or attempt to register at any time on or after 01/01/97.

CONCLUSIONS OF LAW

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

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

ORDER

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

IT IS FURTHER ORDERED that the voluntary surrender of Dr. Dekker's registration effective 01/01/97 is accepted.

IT IS FURTHER ORDERED that Dr. Dekker will not register or attempt to register to practice medicine and surgery in the state of Wisconsin on or after 01/01/97.

IT IS FURTHER ORDERED that Dr. Dekker will not practice or attempt to practice medicine and surgery in the state of Wisconsin when not currently registered.

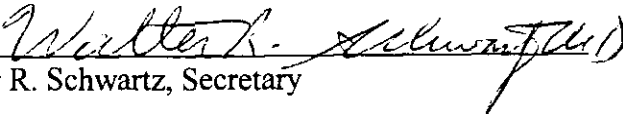
IT IS FURTHER ORDERED that the pending investigation, 94 MED 016, shall be and hereby is closed without further proceedings.

IT IS FURTHER ORDERED that pursuant to sec. 448.02(4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Dr. Dekker has violated any of the terms of this Final Decision And Order of the Wisconsin Medical Examining Board, the Board may order that the license of Dr. Dekker to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

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 September, 1996.

WISCONSIN MEDICAL EXAMINING BOARD


Walter R. Schwartz, Secretary

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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF	:	
	:	STIPULATION
CORNELIS DEKKER, M.D.,	:	(94 MED 016)
RESPONDENT.	:	

It is hereby stipulated between Cornelis Dekker, M.D., and Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Cornelis Dekker, M.D., P.O. Box 367, Genoa City, Wisconsin 53182, was born on 08/11/24 and has been licensed and currently registered to practice medicine and surgery in the state of Wisconsin since 04/27/57, license #12611.
2. A formal investigation, 94 MED 016, is pending before the Wisconsin Medical Examining Board. The allegation which is the basis for the investigation is that in 1992 Dr. Dekker failed to make a timely diagnosis of an appendicitis.
3. Dr. Dekker is planning to retire from the practice of medicine and surgery in the state of Wisconsin on 12/31/96.
4. Dr. Dekker does not have an active license to practice medicine and surgery in any state other than Wisconsin.
5. Dr. Dekker, in consideration of his retirement from the practice of medicine and surgery in the state of Wisconsin, voluntarily surrenders his current registration effective 01/01/97 and agrees that he will not register or attempt to register on or after 01/01/97.
6. The pending investigation, 94 MED 016, will be closed without further proceedings.
7. The Wisconsin Medical Examining Board may enter the Final Decision And Order, a copy of which is attached hereto and incorporated herein.
8. The parties waive all costs of this proceeding.
9. Dr. Dekker understands that by signing this Stipulation, he freely, voluntarily and knowingly waives his rights including the right to be represented by an attorney, 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 decision 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

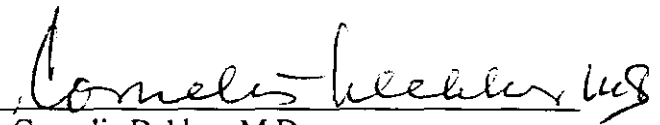
to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

10. The parties to this Stipulation and the Board Advisor, James Esswein, 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.

If any term of this Stipulation or the incorporated Final Decision And Order is not accepted by the Wisconsin Medical Examining Board, then no term of this Stipulation or the 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.

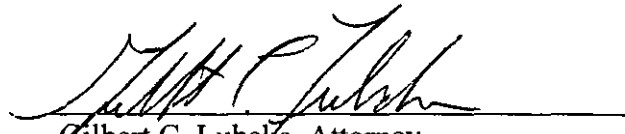
Dated:

August 25-1996


Cornelis Dekker, M.D.

Dated:

8/29/96


Gilbert C. Lubcke, Attorney
Department of Regulation and Licensing
Division of Enforcement

GL:kcb

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BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF
THE LICENSE OF

CORNELIS DEKKER, M.D.,
RESPONDENT.

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:
AFFIDAVIT OF SERVICE

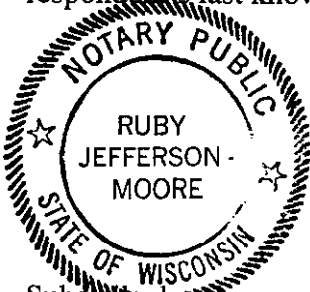
Katie Rotenberg, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on September 27, 1996, she served the following upon the respondent:

Final Decision and Order dated September 25, 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:

P.O. Box 367
Genoa City, WI 53182
Certified P 213 148 340

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 27th day of September, 1996.

Ruby Jefferson-Moore
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:

September 27, 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.)