

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
FREDERICK M. RICH, M.D.,	:	96 MED 260
RESPONDENT	:	

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Frederick M. Rich
2388 Hwy. AB
McFarland, WI 53558

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. Frederick M. Rich, M.D. (DOB 09/27/27) is duly licensed to practice medicine and surgery in the state of Wisconsin (license #14799). This license was first granted on March 20, 1964. Dr. Rich specialized in radiology.

2. Dr. Rich's most recent address on file with the Wisconsin Medical Examining Board is 2388 Hwy. AB, McFarland, WI 53558.

3. A formal investigation, 96 MED 260, is pending before the Wisconsin Medical Examining Board. The investigation is based upon a Claims Paid Report for a civil action (Dane County Circuit Court Case No. 94-CV-0551).

4. Dr. Rich is currently retired from the practice of radiology and has been retired since July 1995. Dr. Rich does not intend to return to the practice of radiology at any time in the future in Wisconsin or in any other jurisdiction.

5. In consideration of his retirement, Dr. Rich consents to the entry of the following Conclusions of Law and Final Decision and Order in resolution of this matter.

CONCLUSIONS OF LAW

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

ORDER

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

IT IS FURTHER ORDERED that the license of Frederick M. Rich (license # 14799) to practice medicine and surgery in the State of Wisconsin is LIMITED as follows:

1. Until otherwise ordered by the Board, Dr. Rich shall REFRAIN from the practice of radiology in the state of Wisconsin (or elsewhere under the use of his Wisconsin license).
2. Until otherwise ordered by the Board, Dr. Rich shall submit quarterly reports in a format acceptable to the Board describing the scope of his practice in Wisconsin (or elsewhere under the use of his Wisconsin license).
3. Dr. Rich may at any time petition the Board for permission to resume the practice of radiology within this state. In conjunction with a petition by Dr. Rich, the Board shall require successful completion of such competency testing as it deems appropriate to evaluate Dr. Rich's ability to safely and competently practice. The Board, in addition, may in its discretion require a personal appearance by Dr. Rich to answer questions in conjunction with his petition.
4. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions. The Department Monitor may be reached as follows: Department Monitor, Department of Regulation and Licensing Division of Enforcement, P.O. Box 8935, Madison, WI 53708-8935; FAX (608) 266-2264, TEL. (608) 267-7139.

5. Denial in whole or in part of a petition under this Order 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.

MEDICAL EXAMINING BOARD

By

Glenn Hoberg MD
A Member of the Board

6-23-89
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
FREDERICK M. RICH, M.D.,	:	96 MED 260
RESPONDENT	:	

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

1. A formal investigation, 96 MED 260, is pending before the Wisconsin Medical Examining Board. The investigation is based upon a Claims Paid Report for a civil action (Dane County Circuit Court Case No. 94-CV-0551).
2. Dr. Rich has been retired from the practice of radiology since July 1995. Dr. Rich does not intend at any time in the future to return to the active practice of medicine in Wisconsin or any other jurisdiction, and in resolution of this investigation he agrees that this stipulation may be presented directly to the Medical Examining Board without the issuance of a formal complaint or proceeding to hearing.
3. The pending investigation, 96 MED 260, will be closed without further proceedings.
4. The parties waive all costs of this proceeding.
5. Dr. Rich understands that by the signing of this Stipulation he freely, 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.
6. Dr. Rich is aware of his right to seek legal representation and has obtained legal advice prior to signing this stipulation.
7. Dr. Rich 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.

8 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.

9. 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.

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

Frederick M. Rich, M.D.
Frederick M. Rich, M.D.

January 11, 1997
Date

Mark J. Steichen
Mark J. Steichen, Attorney for
Frederick M. Rich, M.D.

January 13, 1997
Date

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

January 14, 1997
Date

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Frederick M. Rich, M.D.,

AFFIDAVIT OF MAILING

Respondent.

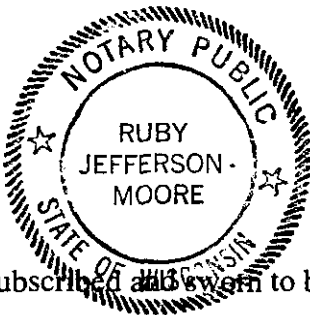
STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On January 24, 1997, I served the Final Decision and Order dated January 23, 1997 upon the Respondent Frederick M. Rich's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 377 268.

Mark J. Steichen, Attorney
410 Firststar Plaza
P.O. Box 927
Madison WI 53701-0927



Subscribed and sworn to before me

this 24th day of January, 1997.

Ruby Jefferson-Moore
Notary Public, State of Wisconsin
My commission is permanent.

Kate Rotenberg
Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

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:

January 24, 1997

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.)