WISCONSIN DEPARTMENT OF REGULATION & LICENSING

Wisconsin Department of Regulation & Licensing
Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: http://ccap.courts.state.wi.us/InternetCourtAccess and http://www.courts.state.wi.us/wscca .
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	LS 9604032 MED
TRAVIS L. GEE, P.A.	:	95 MED 134
RESPONDENT.	:	

FINAL DECISION AND ORDER

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

Travis L. Gee, P.A.
1203 Dodge Street
Kewaunee, WI 54216

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. 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. Travis L. Gee, P.A., Respondent, date of birth August 2, 1942, is certified by the Wisconsin Medical Examining Board as a physician's assistant in the state of Wisconsin, pursuant to license #266, which was first granted December 18, 1979.

2. Respondent's last address reported to the Wisconsin Department of Regulation and Licensing is 1203 Dodge Street, Kewaunee, WI 54216.

3. At all times relevant to these findings, Respondent was employed as a physician's assistant, and was to be under the supervision of David Conger, M.D., a physician with Internal Medicine Associates of Sturgeon Bay, Wisconsin.

4. Prior to October 7, 1993, Patient 1 received medical care and treatment from Nicholas Wagener, M.D., a physician who surrendered his license to the Wisconsin Medical Examining Board effective October 15, 1993.

5. On October 7, 1993, Patient 1, who was then 38 years of age, first saw Respondent for medical care. Patient 1's appointment with Respondent was for evaluation of a work related lumbar injury and was at the practice setting previously occupied by Dr. Wagener.

6. Following the 10/7/93 appointment with Respondent, Patient 1 saw Respondent for medical care and treatment on 14 occasions prior to December 24, 1993..

7. On December 24, 1993, Patient 1 saw Respondent for a recheck on her lumbar injury, at Respondent's office.

8. Following the December 24, 1993 appointment, Patient 1 called Respondent at his office, as he had directed, to discuss her medication. Respondent told Patient 1, in that telephone conversation, that he would stop by her house and provide her with medication.

9. Shortly after December 24, 1993, as prearranged, Respondent went to Patient 1's house. At that time, a sexual relationship started between Patient 1 and Respondent.

10. Following the December 24 office call, Respondent and Patient 1 entered into and conducted a personal relationship of a nature which made it inappropriate for Respondent for Respondent to continue as a medical provider for Patient 1 during that relationship, which continued until early June, 1994.

11. That Respondent issued additional prescriptions to Patient 1 through the time of their sexual relationship.

COUNT I

12. That Respondent, by having a sexual relationship with a person who was his patient, has engaged in conduct which is below the minimal standards of the profession of physician's assistant.

13. That Respondent's conduct in having a sexual relationship with Patient 1 has exposed Patient 1 to unreasonable risks of harm to which a physician's assistant would not expose a patient.

COUNT II

14. Respondent's record of the 10/7/93 appointment, the first date Respondent provided health care to Patient 1, indicates that Patient 1 had been previously prescribed, and was receiving, phendimetrazine, 35 mg., five times per day (175 mg total per day). Those prescriptions were provided to Patient 1 by Dr. Wagener, her previous health care provider.

15. Phendimetrazine is a class III controlled substance, and is a phenylalkylamine sympathomimetic, with pharmacological activity similar to the amphetamines. Actions include central nervous system stimulation.

16. The only indicated use for phendimetrazine in the Physician's Desk Reference is "in the management of exogenous obesity as a short-term adjunct (a few weeks) in a regimen of weight reduction based on caloric restriction."

17. Patient 1 did not suffer from any condition which warranted the prescribing of phendimetrazine to her for an extended period of time. Respondent's record of the 10/7/93 appointment indicates that Patient 1 was 5'4" in height and weighed 139½ lbs.

18. Following the 10/7/93 appointment with Respondent, Patient 1 saw Respondent for medical care and treatment on 12 occasions prior to December 10, 1993. Respondent's notes of those appointments indicate that Patient 1 was continuing to take the phendimetrazine prescribed by Dr. Wagener, but do not indicate that Respondent prescribed that drug to Patient 1.

19. On December 20, 1993, Respondent issued Patient 1 a prescription for phendimetrazine tabs, 35 mg., 100 units, with instructions to take two in the morning and one at night (105 mg total per day), a dosage reduced from what Patient 1 had been receiving from her prior provider. Respondent's prescription was noted in Patient 1's record and approved by Jeffrey Brook, M.D. The prescription was filled that date and refilled on 1/27/94 and 3/4/94.

20. Following December 20, 1993, Respondent continued to prescribe phendimetrazine and other medications to Patient 1, as follows:

	Date	Drug	Units	Filled
a.	2/1/94	Voltaren 75 mg.	60	That date and refilled 6/9/94.
b.	4/5/94	Phendimetrazine 35 mg.	100	That date and refilled 6/9/94.
c.	7/13/94	Phendimetrazine 35 mg.	60	That date and refilled 8/15/94 and 9/16/94.
d.	7/20/94	Cyclobenzaprine HCL 10 mg.	30	That date.
e.	10/12/94	Phendimetrazine 35 mg.	120	That date.
f.	11/17/94	Phendimetrazine 35 mg.	120	That date.
g.	12/20/94	Phendimetrazine 35 mg.	90	That date and refilled 1/20/95 and 2/18/95.
h.	1/18/95	Synthroid 0.1 mg.	30	That date and refilled 2/18/95, 3/20/95 and 4/27/95.

21. That Respondent's conduct in continuing the prescribing of phendimetrazine to Patient 1, who did not have any condition which warranted the continued prescribing of that drug, in these circumstances was conduct which falls below the minimal standards of the profession of a physician's assistant.

22. That Respondent's conduct in prescribing phendimetrazine to Patient 1, in these circumstances, exposed Patient 1 to unreasonable risks of harm.

COUNT III

23. Wis. Adm. Code sec. MED 8.08(2)(e) allows a physician's assistant to issue a prescription only if the physician's assistant's supervising physician reviews and counter-signs the patient record prepared by the physician's assistant.

24. That Respondent did not see Patient 1 at Respondent's office, prior to issuing the prescriptions set out in paragraph 20. They were issued by Patient 1 calling Respondent at his office and requesting them and Respondent then calling the prescriptions in to the pharmacy.

25. That Respondent did not make entries in Patient 1's records documenting the issuance of the prescription set out in paragraph 20.

26. That neither Respondent's supervising physician, nor any other physician, supervised or reviewed Respondent's issuance of the prescriptions set out in paragraph 20.

27. That Respondent's issuing of prescriptions to Patient 1, which are set out in paragraph 20, was done without having Respondent's supervising physician review the prescriptions and sign the patient's record.

COUNT IV

28. Wis. Adm. Code sec. MED 8.07(1) provides that the entire practice of a physician's assistant shall be under the supervision of a licensed physician.

29. That Respondent's issuing of prescriptions to Patient 1, which are set out in paragraph 20 was not done under the supervision of a licensed physician.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to §448.02(3), Stats.

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter pursuant to §§227.44(5), and 448.02(5) Stats.

3. That Respondent's conduct in having the sexual relationship with Patient 1, as set out in Count I, is unprofessional conduct as defined by Wis. Adm. Code sec. MED 10.02(2)(h) for engaging in conduct which tends to constitute a danger to the patient.

4. That Respondent's conduct in prescribing phendimetrazine to Patient 1, as set out in Count II, is unprofessional conduct as defined by Wis. Adm. Code sec. MED 10.02(2)(h) for engaging in conduct which tends to constitute a danger to the patient.

5. That Respondent's conduct in issuing prescriptions to Patient 1 without having Respondent's supervising physician review the prescriptions and sign the patient record, as set out in Count III, has engaged in unprofessional conduct as defined by Wis. Adm. Code sec. MED 10.02(2)(a) for having violated a valid rule of the Board.

6. That Respondent's conduct in issuing prescriptions to Patient 1 without being under the supervision of a licensed physician, as set out in Count IV, is unprofessional conduct as defined by Wis. Adm. Code sec. MED 10.02(2)(j) for practicing beyond the scope of Respondent's certification as a physician's assistant.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the surrender of the certificate of Travis L. Gee, P.A., as a physician's assistant in the state of Wisconsin is hereby accepted, effective immediately.

2. That following two years from the date of this order, Respondent may petition the Medical Examining Board for recertification as a physician's assistant in the state of Wisconsin, under the following terms and conditions:

a. Respondent shall have undergone an assessment using the general model and approach set out in Chapter 32, "Assessment and Development of Rehabilitation Plans for the Therapist", of Psychotherapists' Sexual Involvement with Clients, Schoener, Milgrom, Gonsiorek, Luepker and Conroe, published by the Walk-In Counseling Center, Minneapolis, Minnesota. The model and approach have also been useful in determining whether and how to attempt to rehabilitate non-psychotherapist health care professionals who have become sexually involved with patients.

b. The practitioner performing the assessment must have been approved by the Board, with an opportunity for the Division of Enforcement to make its recommendation, prior to the evaluation being performed.

c. Respondent must provide proof sufficient to the Board that Respondent can practice with reasonable skill and safety of patients and public.

d. If the Board determines to allow recertification, Respondent's certificate shall be limited in a manner to address any recommendations resulting from the assessment, including, but not limited to:

i. Psychotherapy, at Respondent's expense, by a therapist approved by the Board, to address specific treatment goals, with periodic reports to the Board by the therapist.

ii. Additional professional education in any identified areas of deficiency.

iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board, with periodic reports to the Board by the supervisor.

e. Respondent shall appear before the Board on an annual basis, if requested by the Board, to review the progress of any treatment and rehabilitation.

3. If Respondent believes that the Board's refusal to allow recertification is inappropriate or that any limitation imposed or maintained by the Board under paragraph 2 is inappropriate, Respondent may seek a class 1 hearing pursuant to sec. 227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The Board's decision denying recertification or imposing or maintaining limitations on Respondent's certificate shall remain in effect until there is a final decision in Respondent's favor on the issue.

4. Violation of any term or condition of this Order, or of any limitation imposed under paragraph 2 above, may constitute grounds for revocation of Respondent's certificate as a physician's assistant in Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, or any limitation imposed under paragraph 2 above, the Board may order that Respondent's certificate be summarily suspended pending investigation of and hearing on the alleged violation.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 25th day of June, 1997.

Glen Hoberg, D.O.
Secretary
Wisconsin Medical Examining Board

t:\legal\geeord.doc

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	LS 9604032 MED
TRAVIS L. GEE, P.A.	:	95 MED 134
RESPONDENT.	:	

STIPULATION

It is hereby stipulated and agreed, by and between Travis L. Gee, P.A., Respondent; Thomas J. Parins of Parins Law Firm S.C., attorney for the Respondent; and John R. Zwieg, as attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of an investigation (95 MED 134) and pending disciplinary proceeding (LS 9604032 MED) against Respondent by the Department of Regulation and Licensing, Division of Enforcement, on behalf of the Wisconsin Medical Examining Board.

2. The parties agree that this proposed stipulated resolution may be presented directly to the Wisconsin Medical Examining Board and need not be presented to the administrative law judge appointed in this matter.

3. Respondent understands that by the signing of this Stipulation Respondent voluntarily and knowingly waives Respondent's rights, including: the right to a hearing on the allegations against Respondent, 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 Respondent; the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena; the right to testify; 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

4. Respondent is aware of his right to seek legal representation prior to signing this Stipulation, and has done so.

5. Respondent neither admits nor denies the allegations in this matter, but agrees to the adoption of the attached Final Decision and Order by the 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.

6. 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.

7. Attached to this Stipulation are Respondent's current wall and wallet registration certificates.

8. The parties to this Stipulation agree that the Respondent, Respondent's attorney, the member of the Board appointed as the investigative advisor in these matters, and an attorney for the Division of Enforcement may appear before the 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.

Dated this 9th day of June, 1997.

Travis L. Gee, P.A.
Respondent

Dated this 10th day of June, 1997.

Thomas J. Parins
Parins Law Firm S.C.
Attorney for Respondent

Dated this 27th day of May, 1997.

John R. Zwieg
Attorney for Complainant
Department of Regulation & Licensing
Division of Enforcement

t:\legal\geestip.doc

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

In the Matter of the Disciplinary Proceedings Against

Travis L. Gee, P.A.,

Respondent.

AFFIDAVIT OF MAILING

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 June 26, 1997, I served the Final Decision and Order dated June 25, 1997, LS9604032MED, upon the Respondent Travis L. Gee'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 221 157 293.

Thomas J. Parins, Attorney
125 S. Jefferson Street
P.O. Box 1626
Green Bay WI 54305

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

NOTARY PUBLIC
RUBY JEFFERSON-MOORE
STATE OF WISCONSIN

Subscribed and sworn to before me

this 26th day of June, 1997.

Ruby Jefferson-Moore
Notary Public, State of 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:

June 26, 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.)

SECTIONS 227.49 AND 227.53, OF THE WISCONSIN STATUTES

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30 day period, the petition shall be deemed to have been denied as of the expiration of the 30 day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) 1. Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. If the agency whose decision is sought to be reviewed is the tax appeals commission, the banking review board, the consumer credit review board, the credit union review board, the savings and loan review board or the savings bank review board, the petition shall be served upon both the agency whose decision is sought to be reviewed and the corresponding named respondent, as specified under par. (b) 1 to 5.

2. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency.

3. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. The tax appeals commission, the department of revenue.

2. The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

5. The savings bank review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings bank review board shall be the named respondents.

(c) A copy of the petition shall be served personally or by certified mail or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon each party who appeared before the agency in the proceeding in which the decision sought to be reviewed was made or upon the party's attorney of record. A court may not dismiss the proceeding for review solely because of a failure to serve a copy of the petition upon a party or the party's attorney of record unless the petitioner fails to serve a person listed as a party for purposes of review in the agency's decision under s. 227.47 or the person's attorney of record.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, the savings and loan review board and the savings bank review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.