

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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- 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/wsccl>.
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FILE COPY

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

LANCE K. CHMURA, P.A.,  
RESPONDENT.

FINAL DECISION  
AND ORDER  
LS9703271MED

The State of Wisconsin, Medical Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

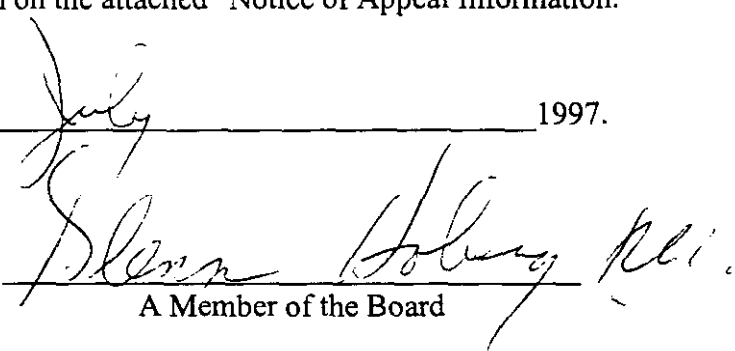
ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Medical Examining Board.

The Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs with the Department General Counsel within 15 days of this decision. The Department General Counsel shall mail a copy thereof to respondent or his or her representative.

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

Dated this 31 day of July 1997.

  
A Member of the Board

**STATE OF WISCONSIN**  
**BEFORE THE MEDICAL EXAMINING BOARD**

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IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS  
AGAINST  
**LANCE K. CHMURA, P.A.,**  
RESPONDENT.

**PROPOSED DECISION**  
Case No. LS-9703271-MED  
(DOE case no. 96 MED 206)

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**SUMMARY**

This is a disciplinary action by the Medical Examining Board against Lance Chmura, a physician assistant. Mr. Chmura is alleged to have forged a doctor's signature for prescription drugs in Texas, to have been sentenced to community supervision for that action, to have had a physician assistant license in Texas limited as a result, and to have misrepresented his criminal record in applying for a professional credential in Wisconsin. The complaint and notice of hearing were mailed to him at his last-known address, but Mr. Chmura failed to file an answer, and he was found in default. The allegations are taken as true, and are found to be violations of chapter MED 10 of the Wisconsin Administrative Rules, defining unprofessional conduct for the medical profession. In the absence of any mitigating information from Mr. Chmura about his violations, or information about his current situation, suspension of his certificate in Wisconsin is imposed as the only practical discipline, to be followed by revocation if Mr. Chmura makes no effort to reinstate his certificate.

**PARTIES**

The parties in this matter under section 227.44 of the Statutes and section RL 2.037 of the Wisconsin Administrative Code, and for purposes of review under sec. 227.53, Stats. are:

Complainant:	Division of Enforcement Department of Regulation and Licensing Madison, WI 53708-8935
Respondent:	Lance K. Chmura
Two addresses:	1251 Glen Oaks Lane #102, Mequon, WI 53092 566 Clarence Ave., State College, PA 16803
Disciplinary Authority:	Medical Examining Board 1400 East Washington Ave. Madison, WI 53703

## PROCEDURAL HISTORY

A. This case was initiated by the filing of a complaint with the Medical Examining Board on March 27, 1997. Notice of Hearing was prepared by the Division of Enforcement of the Department of Regulation and Licensing and sent by certified mail on March 27, 1997 to Lance K. Chmura at the two addresses above. The copy sent to the Mequon address was received and signed for by someone other than Mr. Chmura on March 28, 1997. The notice informed Mr. Chmura that he should file an answer to the complaint within twenty days of receiving the notice. The date of the disciplinary proceeding (hearing) was to be scheduled at a prehearing conference.

B. No answer was filed within twenty days of the notice, nor as of the date of this proposed decision.

C. On April 28, 1997, the undersigned administrative law judge issued a "Finding of Default, Notice of Telephone Conference, and Order to File Recommendations for Discipline". This provided notice that a telephone conference would be held at 2 P.M. on May 13, 1997, it was mailed to Mr. Chmura at both addresses, and it listed the number at which he would be called, unless he provided another. The telephone conference was to discuss the fact that Mr. Chmura was "in default" for not filing an answer and to nevertheless allow him an opportunity to respond. The notice stated that if Mr. Chmura was not available for the telephone conference, then written recommendations for discipline should be submitted by May 23, 1997. The call was made at the designated time and a message was left on an answering machine, asking Mr. Chmura or whoever owned the answering machine to return the call. No follow-up call was ever received. Attorney Arthur Thexton of the department's Division of Enforcement filed his recommendation with supporting documents on May 23rd as scheduled.

## FINDINGS OF FACT

1. The respondent, Lance K. Chmura, is certified in Wisconsin as a Physician Assistant, under certificate number 841, granted on December 1, 1995.
2. Mr. Chmura's latest address on file with the Department of Regulation and Licensing is 1251 Glen Oaks Lane #102, Mequon, WI 53092. Mr. Chmura was most recently located at 566 Clarence Avenue, State College, PA 16803.
3. On June 29, 1994, while he was employed as a physician assistant in Galveston, Texas, Mr. Chmura admitted to a police officer that he had forged a doctor's signature on prescriptions for Prozac®, Anafranil®, and Vicodin ES® without the doctor's knowledge or consent.
4. On February 22, 1995, Mr. Chmura pled guilty/nolo contendere in a Galveston court to one felony count of Acquiring a Controlled Substance by Fraud. The court deferred prosecution, did not enter a conviction, and placed Mr. Chmura on community supervision for three years, with conditions that he abstain from alcohol, submit to drug screening, be evaluated for substance abuse, and comply with any treatment recommendations.

5 The Texas State Board of Physician Assistant Examiners did not impose discipline on an existing license held by Mr. Chmura, but on November 3, 1995, it granted an application by Mr. Chmura for licensure, perhaps a renewal application or an application for new license, and issued him a license with limitations due to the conduct above.

6. On November 7, 1995, Mr. Chmura completed and signed an application for certification as a Physician's Assistant in Wisconsin. Mr. Chmura answered "no" to the question which asks if the applicant has any felony or misdemeanor charges pending, and "n/a" to the question which asks if he is participating in a supervised rehabilitation program which monitors him in order to assure that he is not engaging in the illegal use of controlled dangerous substances.

### CONCLUSIONS OF LAW

I. The Medical Examining Board has personal jurisdiction over the respondent, Lance K. Chmura, based on his holding a credential issued by the board, and based on notice under sec. 801.04 (2), Stats. Under sec. RL 2.08 (1), Wis. Admin. Code, a respondent may be served by mailing to his or her last-known address, and service is complete upon mailing. The complaint was mailed to Mr. Chmura's address of "1251 Glen Oaks Lane #102, Mequon, WI 53092", which is the latest address on file with the Department of Regulation and Licensing.

II. The Medical Examining Board is the legal authority responsible for issuing and controlling credentials for physician assistants, under ch. 448, Stats., and it has jurisdiction over the subject-matter of a complaint alleging unprofessional conduct, under sec. 15.08(5)(c), Stats., and sec. 448.02(3)(b), Stats.

III. No answer was filed within twenty days, as required by sec. RL 2.09(4), Wis. Admin. Code. Therefore, Mr. Chmura is in default under sec. RL 2.14, Wis. Admin. Code, and the Medical Examining Board may make findings and enter an order on the basis of the complaint and other evidence.

IV. The conduct described in Finding of Fact 3 above constitutes unprofessional conduct under sec. Med 10.02(p), Wis. Admin. Code, which defines "unprofessional conduct" to include "administering, dispensing, prescribing, supplying or otherwise obtaining controlled substances ... otherwise than in the course of legitimate professional practice, or as otherwise prohibited by law."

V. The conduct described in Finding of Fact 4 above constitutes unprofessional conduct under sec. Med 10.02(r), Wis. Admin. Code, which defines "unprofessional conduct" to include "conviction of any crime which may relate to practice under any license, or of violation of any federal or state law regulating the possession, distribution or use of controlled substances ...."

VI. The conduct described in Finding of Fact 5 above constitutes unprofessional conduct under sec. Med 10.02(q), Wis. Admin. Code, which defines "unprofessional conduct" to include "having a license, certificate, permit, registration or other practice credential granted by another state or by any

agency of the federal government to practice medicine and surgery or treat the sick, which becomes limited, restricted, suspended, or revoked ...."

VII. The conduct described in Finding of Fact 6 above constitutes unprofessional conduct under sec. Med 10.02(c), Wis. Admin. Code, which defines "unprofessional conduct" to include "knowingly making or presenting or causing to be made or presented any false, fraudulent, or forged statement, writing, certificate, diploma or other thing in connection with any application for license."

VIII. Upon a conclusion that the respondent, Lance K. Chmura, engaged in unprofessional conduct, discipline is appropriate, under sec. 448.02(3)(c), Stats.

### ORDER

THEREFORE, IT IS ORDERED that the certificate to practice as a physician assistant issued to Lance K. Chmura be suspended, effective on the tenth day after this order is signed on behalf of the board. Within ninety days of the effective date of the suspension, Mr. Chmura may provide the board with information regarding his current status and may petition the board for reinstatement. The board may then review Mr. Chmura's petition and make other orders as appropriate. If the board receives no communication from Mr. Chmura within ninety days, his certificate shall be revoked.

IT IS FURTHER ORDERED that Lance K. Chmura pay the costs of this proceeding, as authorized by sec. 440.22 (2), Stats., and sec. RL 2.18, Wis. Admin. Code.

### OPINION

This is a disciplinary proceeding conducted under the authority of ch. 227, Stats. and ch. RL 2, Wis. Admin. Code. The Division of Enforcement in the Department of Regulation and Licensing filed a complaint with the Medical Examining Board alleging that the respondent, Lance K. Chmura, a physician assistant, had engaged in unprofessional conduct. Mr. Chmura did not respond in any way to the allegations in the complaint, which leads to a finding that he is in default, allowing the board to proceed on the basis of the complaint and other evidence. I conclude that the allegations of the complaint are proven, that Mr. Chmura engaged in unprofessional conduct, and that the board should impose discipline.

The findings of fact and conclusions of law above are sufficiently straightforward not to be repeated here. The complaint did raise some issues which deserved investigation and development, but Mr. Chmura's total absence prevented this. These were

(1) Whether this board may consider unprofessional conduct which occurred before an individual receives a credential, especially if the individual was practicing the same regulated profession in another state at the time, and especially if the unprofessional conduct was not disclosed in the application for the Wisconsin credential. Mr. Chmura admitted obtaining controlled substances by fraud, which would constitute a "violation of federal or state law regulating the possession,

distribution or use of controlled substances", approximately a year and a half before applying for certification in Wisconsin, but at a time when he was employed as a physician assistant in Texas, and his answers to various questions on the Wisconsin application concealed this information. Mr. Thexton in his May 23rd recommendation for discipline suggested dismissing the counts in the complaint which were based on conduct prior to Mr. Chmura's application for a certificate in Wisconsin, but I am not certain that they need to be dismissed, and the issue was not developed fully.

(2) Whether a newly-issued license with limitations fits within the definition of "having a license, certificate, permit, registration or other practice credential granted by another state or by any agency of the federal government to practice medicine and surgery or treat the sick, which becomes limited, restricted, suspended, or revoked ...".

(3) Whether some strained interpretation of the language in Mr. Chmura's application would allow him to argue that he had answered all questions truthfully.

On all three of these issues, Mr. Chmura missed his opportunity to present facts and to argue interpretations.

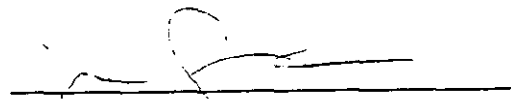
The purposes of professional discipline have been set forth in Wisconsin Supreme Court Rule SCR 21.03(5) and in various attorney discipline cases, including Disciplinary Proc. Against Kelsay, 155 Wis.2d 480, 455 N.W.2d 871 (1990). SCR 21.03(5) states: "Discipline for misconduct is not intended as punishment for wrongdoing, but is for the protection of the public, the courts and the legal profession." The Supreme Court in Kelsay extended this by saying that the protection it intended for the public, the courts and the legal profession was "from further misconduct by the offending attorney, to deter other attorneys from engaging in similar misconduct and to foster the attorney's rehabilitation." That reasoning has been extended by regulatory agencies to disciplinary proceedings for other professions.

In this case, Mr. Chmura's crime apparently did not endanger others directly, as he claimed that the forged prescriptions were used to obtain controlled substances for his own use only, and the element of protection of the public might not be as salient in this case as in some others. However, the need to protect the profession from this practitioner, and the need to deter other professionals from similar misconduct are significant.

Due to Mr. Chmura's failure to participate in the fact-finding process of this disciplinary proceeding, the record contains no favorable information regarding his compliance with the limitations on his Texas license, his current situation, or his rehabilitation. Instead, the only information available is that he has failed to cooperate, and that he apparently does not accord any respect to either this process or to the credentialing authority. He has not even bothered to keep the board and the department informed of a change of address. He has provided no basis for finding that he has acted responsibly to the discipline imposed on him in Texas, and no basis for this board to have any confidence that continued certification in Wisconsin would be in the public interest. Revocation or an indefinite suspension would seem to be the only appropriate disciplines. Since the underlying offenses are not ones which would lead to revocation in all cases, especially with a cooperative and motivated individual, the recommended discipline is suspension, to be converted after ninety days into revocation if Mr. Chmura takes no steps to inform the board of his situation.

The assessment of costs against a disciplined professional is authorized by sec. 440.22(2), Wis. Stats. and sec. RL 2.18, Wis. Admin. Code. Mr Thexton in his May 23rd recommendation for discipline stated that he attempted to negotiate a settlement of this case with Mr. Chmura which would have significantly reduced the amount of time spent by this department, but Mr. Chmura failed to respond. His lack of cooperation and disregard for these proceedings make an order for costs appropriate.

Dated and signed: June 2, 1997



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John N. Schweitzer  
Administrative Law Judge  
Department of Regulation and Licensing



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

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In the Matter of the Disciplinary Proceedings Against

Lance K. Chmura,

AFFIDAVIT OF MAILING

Respondent.

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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 August 5, 1997, I served the Final Decision and Order dated July 31, 1997, LS9703271MED, upon the Respondent Lance K. Chmura by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent 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 221 157 414.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

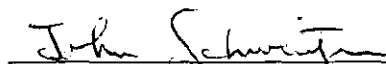
Lance K. Chmura  
1251 Glen Oaks Lane #102  
Mequon WI 53092



Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 5<sup>th</sup> day of August, 1997.



Notary Public, State of Wisconsin  
My commission is permanent.

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## NOTICE OF APPEAL INFORMATION

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**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 5, 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 affirmation, 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.

FILE COPY

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	ORDER FIXING COSTS
	:	Case # LS9703271MED
LANCE K. CHMURA, P.A.,	:	
RESPONDENT.	:	

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On July 31, 1997, the Medical Examining Board, filed its Final Decision and Order in the above-captioned matter by which the board ordered that pursuant to sec. 440.22, Wis. Stats., 100% of the costs of this proceeding be assessed against respondent. Pursuant to sec. RL 2.18 (4), Wis. Adm. Code, on August 6, 1997, the Medical Examining Board received the *Affidavit of Costs* in the amount of \$753.00, filed by Attorney Arthur Thexton. On August 7, 1997, the Medical Examining Board received the *Affidavit of Costs of Office of Board Legal Services* in the amount of \$91.35, filed by Administrative Law Judge John N. Schweitzer. The Medical Examining Board considered the affidavits on September 18, 1997, and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding in the amount of \$844.35, which is 100% of the costs set forth in the affidavits of costs of Attorney Arthur Thexton and Administrative Law Judge John N. Schweitzer, which are attached hereto and made a part hereof, are hereby assessed against respondent, and shall be payable by him to the Department of Regulation and Licensing. **Failure of respondent to make payment on or before October 20, 1997, shall constitute a violation of the Order unless respondent petitions for and the board grants a different deadline.** Under sec. 440.22 (3), Wis. Stats., the Medical Examining Board may not restore, renew or otherwise issue any credential to the respondent until respondent has made payment to the department in the full amount assessed.

To ensure that payments for assessed costs are correctly receipted, the attached "*Guidelines for Payment of Costs and/or Forfeitures*" should be enclosed with the payment.

Dated this 18th day of September, 1997.

MEDICAL EXAMINING BOARD

By: Glenn Hoberg M.D.  
A Member of the Board

**STATE OF WISCONSIN**  
**BEFORE THE MEDICAL EXAMINING BOARD**

IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS  
AGAINST  
**LANCE K. CHMURA, P.A.,**  
RESPONDENT.

**AFFIDAVIT OF COSTS**  
Case No. LS-9703271-MED

John N. Schweitzer affirms the following before a notary public for use in this action,  
subject to the penalties for perjury in sec. 946.31, Wis Stats.:

1. I am an attorney licensed to practice law in the State of Wisconsin, and am employed by the Wisconsin Department of Regulation and Licensing, Office of Board Legal Services.
2. In the course of my employment, I was assigned as the administrative law judge in the above-captioned matter.
3. I failed to keep contemporaneous records of my time spent on this case, but by reviewing records, a reasonable and conservative estimate of the expenses for the Office of Board Legal Services is set out below:

a. Administrative Law Judge Expense @ \$28.848/hour.

3-27-97	Receive complaint, prepare file	0
4-28-97	Prepare and mail document	1/2 hr.
5-13-97	Prehearing conference	10 min.
5-23-97	Receive recommendation	0
6-2-97	Write proposed decision	2 1/2 hrs.


Total: 3 hrs. 10 min. = \$91.35

b. Court Reporter Costs, paid by the Office of Board Legal Services.

No hearing date was set, no hearing held, and no transcript prepared \$0.00

Total: \$91.35

**Total allocable costs for Office of Board Legal Services = \$91.35**

  
\_\_\_\_\_  
John N. Schweitzer  
Administrative Law Judge

Sworn to and signed before me this 7<sup>th</sup> day of Aug, 1997.

Donald R. Rittel, Notary Public, State of Wisconsin.

My commission: is permanent.

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

LANCE K. CHMURA, P.A., :  
RESPONDENT. :

**AFFIDAVIT OF COSTS**

96 MED 206

STATE OF WISCONSIN)  
COUNTY OF DANE )

I, Arthur Thexton, being on affirmation, say:

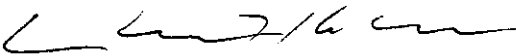
1. That I am an attorney licensed in the state of Wisconsin and am employed by the Wisconsin Department of Regulation and Licensing, Division of Enforcement;

2. That in the course of those duties I was assigned as a prosecutor in the above-captioned matter; and

3. That set out on the attached record are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above-captioned matter.

  
Arthur Thexton, Prosecuting Attorney

Subscribed to and affirmed before me this August 6, 1997.

  
Notary Public, State of Wisconsin  
My Commission is permanent.

akt  
1:\costs aff

STATE OF WISCONSIN  
Department of Regulation & Licensing  
Division of Enforcement  
1400 East Washington Avenue  
Madison, WI 53708-8935

Lance Chmura  
566 Clarence Ave.  
State College, PA 16803

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	HOURS
07/02/96 INV Receive and review file. Letters requesting records drafted and sent.	.75
08/14/96 INV Review police records received.	.40
08/16/96 INV Letter to Clerk of Court. INV Letter to respondent.	.33 .33
09/03/96 INV Review application file, letter to respondent.	.50
10/07/96 INV Letter to Case Advisors.	.50
10/16/96 INV Confer with Case Advisor, memo of conversation. INV Phone call to Texas, memo of same.	.25 .40
10/31/96 INV PIC memo to prosecutor.	1.00
11/06/96 AKT Draft stipulation and letter (Delgado).	2.00
11/29/96 AKT Review entire file. Search internet sources for Respondent. Draft complaint.	1.50
12/02/96 AKT Telephone conference with Case Advisor: formal complaint authorized.	.20
12/11/96 INV Traveled to Milwaukee, attempt contact with respondent at addresses of former home and work.	6.00



Lance Chmura

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	HOURS
12/19/96 INV Telephone conference with probation agent. Send post office inquiries. Telephone converence with Texas Medical Board staff.	1.00
01/02/97 AKT Letter to respondent.	.30
01/30/97 AKT Telephone conference with respondent, memo of same.	.70
01/31/97 AKT Review entire file. New stip. Telephone conference with respondent. Letter to respondent.	1.00
02/12/97 AKT Telephone conference with respondent. Re-send stipulation proposal.	.30
03/02/97 AKT Sign Complaint, give to staff for filing.	.20
03/04/97 AKT Leave telephone message for respondent.	.10
03/11/97 AKT Leave telephone message for respondent.	.10
03/12/97 AKT Review file. Update complaint for MEB meeting 3/20/97.	.40
03/14/97 AKT Telephone conference with respondent. Copy complaint for MEB, deliver to Bureau.	.30
05/13/97 AKT Pretrial conference with ALJ.	.30
05/22/97 AKT Letter to ALJ (draft).	1.00

Lance Chmura

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	HOURS	
05/23/97		
AKT Letter to ALJ (continue to draft, and finalize). Prepare exhibits.	2.00	
06/03/97		
AKT Receive and review proposed decision from ALJ.	.40	
08/05/97		
AKT Prepare costs statement. Review file.	1.00	
	-----	-----
FOR CURRENT SERVICES RENDERED	23.26	713.00
12/11/96 Mileage to and from Milwaukee (160 mi).		40.00
		-----
TOTAL COSTS		40.00
BALANCE DUE		\$753.00
		=====

The above records are kept in the ordinary course of business by the Division and are assessable under s.440.22, Wis. Stats. Hourly rates of \$41/attorney and \$20/investigator are set by DOE policy.

# Department of Regulation & Licensing

State of Wisconsin

P O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416 -hearing or speech  
TRS# 1-800-947-3529 -impaired only

## GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On July 31, 1997, the Medical Examining Board  
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a  
forfeiture.

The amount of the costs assessed is: \$844.35 Case #: LS9703271MED

The amount of the forfeiture is: \_\_\_\_\_ Case # \_\_\_\_\_

Please submit a check or a money order in the amount of \$ 844.35

The costs and/or forfeitures are due: October 20, 1997

NAME: Lance Chmura LICENSE NUMBER: 841

STREET ADDRESS: 1251 Glen Oaks Lane #102

CITY: Mequon STATE: WI ZIP CODE: 53092

Check whether the payment is for costs or for a forfeiture or both:

X COSTS \_\_\_\_\_ FORFEITURE

Check whether the payment is for an individual license or an establishment license:

X INDIVIDUAL \_\_\_\_\_ ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

\_\_\_\_\_

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING**  
**1400 E. WASHINGTON AVE., ROOM 141**  
**P.O. BOX 8935**  
**MADISON, WI 53708-8935**

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

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