

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
THE APPLICATION FOR A LICENSE OF

W. RIGGS BAGAN, M.D.,

Applicant

ORDER ADOPTING STIPULATION

On November 12, 1992, the Board of Medical Examiners of the State of Iowa filed its Complaint and Statement of Charges alleging a number of violations of the Code of Iowa in connection with Dr. Bagan's practice of medicine in that state. Charges included commitment of fraud in procuring his Iowa license, and inability to practice medicine and surgery with reasonable skill and safety by reason of excessive use of alcohol. On December 9, 1997, Dr. Bagan filed his application for a license to practice medicine and surgery in the State of Wisconsin. Because of the disciplinary proceeding in Iowa, Dr. Bagan was asked to appear for oral examination in connection with his application. Dr. Bagan appeared before the board at its meeting of January 22, 1998, and the board considered his application on that date. By letter dated January 27, 1998, the board notified Dr. Bagan of its intent to deny the license.

By letter dated March 23, 1998, Dr. Bagan requested that the board reconsider its denial of the application, and the board considered that request at its meeting of April 22, 1998

Based upon the application, and upon other information of record, the Medical Examining Board (board) agrees to issue, and W. Riggs Bagan, M.D. (Applicant) agrees to accept, a limited license to practice medicine and surgery in the State of Wisconsin imposing the following terms and conditions:

1. The term of the license shall be for three months. Applicant may petition for renewal of the limited license for additional periods of three months conditioned upon acceptable demonstration of compliance with the following terms and conditions during the prior three month period:
2. If the Board denies a petition by applicant for an extension, the Board shall afford applicant an opportunity for hearing in accordance with the procedures set forth in Wis. Adm. Code Ch. RL 1 upon timely receipt of a request for hearing.
3. Upon a showing by applicant of complete, successful and continuous compliance for a period of two years with the terms of limitation outlined below, applicant may petition for return of full licensure.
4. During the period of limitation, applicant shall participate in all components of a drug and alcohol treatment program at a treatment facility acceptable to the Board.
5. Applicant shall obtain a supervising health care provider acceptable to the Board for the full term of this limited license. The supervising health care provider shall be responsible for

April 28, 1998

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coordinating applicant's rehabilitation, drug monitoring and treatment program as required under the terms of this Order. The supervising health care provider may designate another qualified health care provider acceptable to the board to exercise the duties and responsibilities of the supervising health care provider in his absence. In the event that the supervising health care provider is unable or unwilling to serve as supervising health care provider, the Medical Examining Board shall in its sole discretion select a successor supervising health care provider

6. Applicant shall abstain from all personal use of controlled substances as defined in Sec. 161.01(4), Stats. except when necessitated by a legitimate medical condition and then only with the prior approval of The supervising health care provider.

7. Applicant shall abstain from all personal use of alcohol.

8. 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; and requesting additional monitoring and surveillance. The department monitor may be reached as follows:

Department Monitor
Department of Regulation Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 267-7139

9. Applicant shall provide and keep on file with his supervising healthcare provider, all treatment facilities and personnel, laboratories and collections sites current releases which comply with state and federal laws authorizing release of all of his urine, blood and hair specimen screen results and his medical and treatment records and reports to, and permitting his supervising health care provider and his treating physicians and therapists to disclose and discuss the progress of his treatment and rehabilitation with, the Medical Examining Board or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Medical Examining Board. Copies of these releases shall be filed simultaneously with the department monitor.

10. Applicant shall supply on at least a four times per month basis random monitored urine, blood or hair specimens as the supervising health care provider shall direct. The supervising health care provider (or his designee) shall request the specimens from applicant and these requests shall be random with respect to the hour of the day and the day of the week. In addition, the Medical Examining Board or its designee may at any time request a random monitored urine, blood or hair specimen from applicant by directing the department monitor in the Department of Regulation and Licensing, Division of Enforcement to contact applicant and request applicant provide a specimen.

11. Applicant shall keep the supervising health care provider informed of applicant's location and shall be available for contact by his supervising health care provider at all times.

12. All requested urine, blood or hair specimens shall be provided by applicant within five (5) hours of the request for the specimen. All urine specimen collections shall be a split sample accomplished by dividing urine from a single void into two specimen bottles. The total volume of the split sample shall be at least 45 ml. of urine. All split sample urine specimens, blood specimens and hair

specimens shall be collected, monitored and chain of custody maintained in conformity with the collection, monitoring and chain of custody procedures set forth in 49 CFR Part 40. Urine specimen collections shall be by direct observation if:

(a) The applicant must provide an additional specimen because applicant's initial specimen was outside of the normal temperature range (32.5 - 37.7°C / 90.5 - 99.8°F) and he or she refuses to have an oral body temperature measurement or he does provide an oral body temperature measurement and the reading varies by more than 1°C / 1.8°F from the temperature of the urine specimen.

(b) Applicant's last provided specimen was determined by the laboratory to have a specific gravity of less than 1.003 and creatinine concentration below 0.2 g / l.

(c) The collection site person observes applicant acting in such a manner to provide reason to believe that applicant may have attempted or may attempt to substitute or adulterate the specimen. The collection site person, if he or she believes that the initial urine specimen may have been adulterated or a substitution made, shall direct applicant to provide an additional observed urine specimen.

(d) The last provided specimen resulted in a positive or suspected positive test result for the presence of controlled substances;

(e) The Medical Examining Board or any member thereof or the Department Monitor, or applicant's Supervising Health Care Provider directs that the urine specimen collection be by direct observation.

If either of the above conditions (a) or (c) requires collection of an additional observed urine specimen, the collection of the subsequent specimen shall be accomplished within the required five (5) hours of the request for the initial specimen; the collection of the initial specimen shall not satisfy the requirement that the urine specimen be collected within five (5) hours of the request for the initial specimen.

13. The drug and alcohol treatment program in which applicant is enrolled shall at all times utilize a United States Department of Health and Human Services certified laboratory for the analysis of all specimens collected from applicant.

14. The drug and alcohol treatment program in which applicant is enrolled shall utilize only those urine, blood and hair specimen collection sites for collection of applicant's urine, blood or hair specimens as comply with the United States Department of Transportation collection and chain of custody procedures set forth in 49 CFR Part 40.

15. The supervising health care provider, treatment facility, laboratory and collection site shall maintain a complete and fully documented chain of custody for each urine, blood or hair specimen collected from applicant.

16. Every urine specimen collected from applicant shall be analyzed at the time of collection for tampering by measurement of the temperature of the specimen and the oral temperature of applicant. Every urine specimen collected from applicant shall be further analyzed at the laboratory for tampering by measuring the creatinine concentration and the specific gravity of the specimen. The laboratory may at its discretion or at the direction of a supervising health care provider or the Medical Examining Board

or any member thereof conduct additional tests to evaluate the urine specimen for tampering including, but not limited to, pH, color and odor.

17. Every urine, blood or hair specimen collected from applicant shall be analyzed for alcohol, amphetamine, cocaine, opiates, phencyclidine, marijuana, methadone, propoxyphene, methaqualone, barbiturates, benzodiazepines, or the metabolites thereof. The Medical Examining Board or its designated agent may at any time direct that screens for additional substances and their metabolites be conducted by scientific methods and instruments appropriate to detect the presence of these substances. The laboratory shall conduct confirmatory tests of positive or suspected positive test results by appropriate scientific methods and instruments including, but not limited to, gas chromatography and mass spectrometry.

18. All urine, blood or hair specimens remaining after testing shall be maintained in a manner necessary to preserve the integrity of the specimens for at least seven (7) days; and all positive or suspected positive urine, blood or hair specimens remaining after testing shall be so maintained for a period of at least one (1) year. The supervising health care provider or the Medical Examining Board or any member thereof may direct that the urine, blood or hair specimens be maintained for a longer period of time.

19. For the purpose of further actions affecting applicant's license under the Order adopting this Stipulation, it shall be presumed that all confirmed positive reports are valid. Applicant shall have the burden of proof to establish that the positive report was erroneous and that the applicant's specimen sample did not contain alcohol or controlled substances or their metabolites.

20. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, applicant shall promptly submit to additional tests or examinations as the supervising health care provider shall determine to be appropriate to clarify or confirm the positive or suspected positive urine, blood or hair specimen test results.

21. The supervising health care provider shall report immediately to the department monitor in the Department of Regulation and Licensing, Division of Enforcement by FAX or telephonic communication: any failure of applicant to provide a urine, blood or hair specimen within five (5) hours from the time it was requested; or of any inability to locate applicant to request a specimen. The laboratory shall immediately report all urine specimens suspected to have been tampered with and all urine, blood or hair specimens which are positive or suspected positive for controlled substances or alcohol to the department monitor, and to the supervising health care provider.

22. The laboratory shall within 48 hours of completion of each drug or alcohol analysis mail the report from all specimens requested of applicant under this Order to the department monitor (regardless of whether the laboratory analysis of the specimen was positive or negative for controlled substances, their metabolites or alcohol). Each report shall state the date and time the specimen was requested; the date and time the specimen was collected; the results of the tests performed to detect tampering; and the results of the laboratory analysis for the presence of controlled substances and alcohol.

23. The supervising health care provider shall submit formal written reports to the department monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a quarterly basis, as directed by the department monitor. These reports shall assess applicant's progress in his drug and alcohol treatment program and summarize

the results of the urine, blood or hair specimen analyses. The supervising health care provider shall report immediately to the department monitor [Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608) 266-2264, telephone no. (608) 267-7139] any violation or suspected violation of this Order.

24. Applicant shall be responsible for compliance with all of the terms and conditions of this Order. It is the responsibility of applicant to promptly notify the department monitor, of any suspected violations of any of the terms and conditions of this Order, including any failures of the supervising health care provider, treatment facility, laboratory or collection sites to conform to the terms and conditions of this Order.

25. If the Medical Examining Board determines that the supervising health care provider, treatment facility, laboratory or collection sites have failed to satisfy the terms and conditions of this Order, the board may, at its sole discretion, direct that applicant continue his treatment and rehabilitation program under the direction of another supervising health care provider, treatment facility, laboratory or collection site which will conform to the terms and conditions of this Order.

26. Applicant shall practice only in a work setting pre-approved by the Medical Examining Board or its designated agent.

27. Applicant shall practice only under the supervision of a designated professional mentor approved by the board.

28. Applicant shall arrange for his professional mentor to provide directly to the department monitor quarterly reports evaluating applicant's work performance.

29. Applicant's professional mentor shall immediately report to the department monitor and the applicant's supervising health care provider any conduct or condition of the applicant which may constitute a violation of this Order or a danger to the public.

30. Applicant shall report to the board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

31. Applicant shall appear before the Medical Examining Board at the end of six months to review the progress of his treatment and rehabilitation. Applicant may petition the Medical Examining Board for modification of the terms of his limited license and the Medical Examining Board shall consider applicant's petition at the time it meets with applicant to review the progress of his rehabilitation. Any such petition shall be accompanied by a written recommendation from applicant's Supervising Health Care Provider expressly supporting the specific modifications sought. Denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and applicant shall not have a right to any further hearings or proceedings on any denial in whole or in part of his petition for modification of his limited license.

32. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order.

33. Pursuant to Sec. 448.02(4), Stats., if the Medical Examining Board determines that there is probable cause to believe that applicant has violated the terms of this Order, the Medical Examining

May 21, 1998

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Board may order the license of applicant to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

This Order shall be effective upon the date of its signing.

Dated this 21 day of May, 1998.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by Wanda Roever
Wanda Roever
Secretary

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
THE APPLICATION FOR A LICENSE OF

W. RIGGS BAGAN, M.D.,

Applicant

STIPULATION

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By letter dated March 23, 1998, Dr. Bagan requested that the board reconsider its denial of the application, and the board considered that request at its meeting of April 22, 1998.

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2. If the Board denies a petition by applicant for an extension, the Board shall afford applicant an opportunity for hearing in accordance with the procedures set forth in Wis. Adm. Code Ch. RL 1 upon timely receipt of a request for hearing.
3. Upon a showing by applicant of complete, successful and continuous compliance for a period of two years with the terms of limitation outlined below, applicant may petition for return of full licensure.
4. During the period of limitation, applicant shall participate in all components of a drug and alcohol treatment program at a treatment facility acceptable to the Board.
5. Applicant shall obtain a supervising health care provider acceptable to the Board for the full term of this limited license. The supervising health care provider shall be responsible for

coordinating applicant's rehabilitation, drug monitoring and treatment program as required under the terms of the board's Order adopting this Stipulation. The supervising health care provider may designate another qualified health care provider acceptable to the board to exercise the duties and responsibilities of the supervising health care provider in his absence. In the event that the supervising health care provider is unable or unwilling to serve as supervising health care provider, the Medical Examining Board shall in its sole discretion select a successor supervising health care provider.

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8. The department monitor, is the individual designated by the board as its agent to coordinate compliance with the terms of the board's Order adopting this Stipulation, including: receiving and coordinating all reports and petitions; and requesting additional monitoring and surveillance. The department monitor may be reached as follows:

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Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 267-7139

9. Applicant shall provide and keep on file with his supervising healthcare provider, all treatment facilities and personnel, laboratories and collections sites current releases which comply with state and federal laws authorizing release of all of his urine, blood and hair specimen screen results and his medical and treatment records and reports to, and permitting his supervising health care provider and his treating physicians and therapists to disclose and discuss the progress of his treatment and rehabilitation with, the Medical Examining Board or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Medical Examining Board. Copies of these releases shall be filed simultaneously with the department monitor.

10. Applicant shall supply on at least a four times per month basis random monitored urine, blood or hair specimens as the supervising health care provider shall direct. The supervising health care provider (or his designee) shall request the specimens from applicant and these requests shall be random with respect to the hour of the day and the day of the week. In addition, the Medical Examining Board or its designee may at any time request a random monitored urine, blood or hair specimen from applicant by directing the department monitor in the Department of Regulation and Licensing, Division of Enforcement to contact applicant and request applicant provide a specimen.

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12. All requested urine, blood or hair specimens shall be provided by applicant within five (5) hours of the request for the specimen. All urine specimen collections shall be a split sample accomplished by dividing urine from a single void into two specimen bottles. The total volume of the split sample shall be at least 45 ml. of urine. All split sample urine specimens, blood specimens and hair

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(b) Applicant's last provided specimen was determined by the laboratory to have a specific gravity of less than 1.003 and creatinine concentration below 0.2 g / l.

(c) The collection site person observes applicant acting in such a manner to provide reason to believe that applicant may have attempted or may attempt to substitute or adulterate the specimen. The collection site person, if he or she believes that the initial urine specimen may have been adulterated or a substitution made, shall direct applicant to provide an additional observed urine specimen.

(d) The last provided specimen resulted in a positive or suspected positive test result for the presence of controlled substances;

(e) The Medical Examining Board or any member thereof or the Department Monitor, or applicant's Supervising Health Care Provider directs that the urine specimen collection be by direct observation.

If either of the above conditions (a) or (c) requires collection of an additional observed urine specimen, the collection of the subsequent specimen shall be accomplished within the required five (5) hours of the request for the initial specimen; the collection of the initial specimen shall not satisfy the requirement that the urine specimen be collected within five (5) hours of the request for the initial specimen

13. The drug and alcohol treatment program in which applicant is enrolled shall at all times utilize a United States Department of Health and Human Services certified laboratory for the analysis of all specimens collected from applicant.

14. The drug and alcohol treatment program in which applicant is enrolled shall utilize only those urine, blood and hair specimen collection sites for collection of applicant's urine, blood or hair specimens as comply with the United States Department of Transportation collection and chain of custody procedures set forth in 49 CFR Part 40.

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16. Every urine specimen collected from applicant shall be analyzed at the time of collection for tampering by measurement of the temperature of the specimen and the oral temperature of applicant. Every urine specimen collected from applicant shall be further analyzed at the laboratory for tampering by measuring the creatinine concentration and the specific gravity of the specimen. The laboratory may at its discretion or at the direction of a supervising health care provider or the Medical Examining Board

or any member thereof conduct additional tests to evaluate the urine specimen for tampering including, but not limited to, pH, color and odor.

17. Every urine, blood or hair specimen collected from applicant shall be analyzed for alcohol, amphetamine, cocaine, opiates, phencyclidine, marijuana, methadone, propoxyphene, methaqualone, barbiturates, benzodiazepines, or the metabolites thereof. The Medical Examining Board or its designated agent may at any time direct that screens for additional substances and their metabolites be conducted by scientific methods and instruments appropriate to detect the presence of these substances. The laboratory shall conduct confirmatory tests of positive or suspected positive test results by appropriate scientific methods and instruments including, but not limited to, gas chromatography and mass spectrometry.

18. All urine, blood or hair specimens remaining after testing shall be maintained in a manner necessary to preserve the integrity of the specimens for at least seven (7) days; and all positive or suspected positive urine, blood or hair specimens remaining after testing shall be so maintained for a period of at least one (1) year. The supervising health care provider or the Medical Examining Board or any member thereof may direct that the urine, blood or hair specimens be maintained for a longer period of time.

19. For the purpose of further actions affecting applicant's license under the Order adopting this Stipulation, it shall be presumed that all confirmed positive reports are valid. Applicant shall have the burden of proof to establish that the positive report was erroneous and that the applicant's specimen sample did not contain alcohol or controlled substances or their metabolites.

20. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, applicant shall promptly submit to additional tests or examinations as the supervising health care provider shall determine to be appropriate to clarify or confirm the positive or suspected positive urine, blood or hair specimen test results.

21. The supervising health care provider shall report immediately to the department monitor in the Department of Regulation and Licensing, Division of Enforcement by FAX or telephonic communication: any failure of applicant to provide a urine, blood or hair specimen within five (5) hours from the time it was requested; or of any inability to locate applicant to request a specimen. The laboratory shall immediately report all urine specimens suspected to have been tampered with and all urine, blood or hair specimens which are positive or suspected positive for controlled substances or alcohol to the department monitor, and to the supervising health care provider.

22. The laboratory shall within 48 hours of completion of each drug or alcohol analysis mail the report from all specimens requested of applicant under the board's Order adopting this Stipulation to the department monitor (regardless of whether the laboratory analysis of the specimen was positive or negative for controlled substances, their metabolites or alcohol). Each report shall state the date and time the specimen was requested; the date and time the specimen was collected; the results of the tests performed to detect tampering; and the results of the laboratory analysis for the presence of controlled substances and alcohol.

23. The supervising health care provider shall submit formal written reports to the department monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a quarterly basis, as directed by the department monitor. These reports shall assess applicant's progress in his drug and alcohol treatment program and summarize

the results of the urine, blood or hair specimen analyses. The supervising health care provider shall report immediately to the department monitor [Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608) 266-2264, telephone no. (608) 267-7139] any violation or suspected violation of the board's Order adopting this Stipulation.

24. Applicant shall be responsible for compliance with all of the terms and conditions of the board's Order adopting this Stipulation. It is the responsibility of applicant to promptly notify the department monitor, of any suspected violations of any of the terms and conditions of the board's Order adopting this Stipulation, including any failures of the supervising health care provider, treatment facility, laboratory or collection sites to conform to the terms and conditions of the board's Order adopting this Stipulation.

25. If the Medical Examining Board determines that the supervising health care provider, treatment facility, laboratory or collection sites have failed to satisfy the terms and conditions of the board's Order adopting this Stipulation, the board may, at its sole discretion, direct that applicant continue his treatment and rehabilitation program under the direction of another supervising health care provider, treatment facility, laboratory or collection site which will conform to the terms and conditions of the board's Order adopting this Stipulation.

26. Applicant shall practice only in a work setting pre-approved by the Medical Examining Board or its designated agent.

27. Applicant shall practice only under the supervision of a designated professional mentor approved by the board.

28. Applicant shall arrange for his professional mentor to provide directly to the department monitor quarterly reports evaluating applicant's work performance.

29. Applicant's professional mentor shall immediately report to the department monitor and the applicant's supervising health care provider any conduct or condition of the applicant which may constitute a violation of the board's Order adopting this Stipulation or a danger to the public.

30. Applicant shall report to the board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

31. Applicant shall appear before the Medical Examining Board at the end of six months to review the progress of his treatment and rehabilitation. Applicant may petition the Medical Examining Board for modification of the terms of his limited license and the Medical Examining Board shall consider applicant's petition at the time it meets with applicant to review the progress of his rehabilitation. Any such petition shall be accompanied by a written recommendation from applicant's Supervising Health Care Provider expressly supporting the specific modifications sought. Denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and applicant shall not have a right to any further hearings or proceedings on any denial in whole or in part of his petition for modification of his limited license.

32. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of the board's Order adopting this Stipulation.

April 28, 1998

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33. Pursuant to Sec. 448.02(4), Stats., if the Medical Examining Board determines that there is probable cause to believe that applicant has violated the terms of the board's Order adopting this Stipulation, the Medical Examining Board may order the license of applicant to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

The board's Order adopting this Stipulation shall be effective upon the date of its signing.

Dated this 11th day of May, 1998.

W. Riggs Bagan MD
W. Riggs Bagan, M.D.

Dated this 21 day of May, 1998.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by Wanda Roever
Wanda Roever
Secretary

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

In the Matter of the Application for a License of

W. Riggs Bagan, M.D.,

AFFIDAVIT OF MAILING

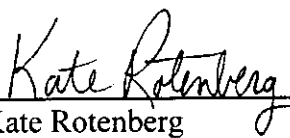
Applicant.

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 May 27, 1998, I served the Order Adopting Stipulation dated May 21, 1998, upon the Applicant W. Riggs Bagan, M.D. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Applicant 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 221 158 934.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Applicant's last-known address and is:

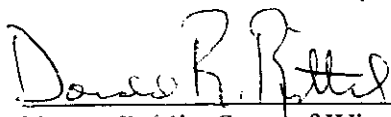
W. Riggs Bagan, M.D.
2802 River Hills Road
Fort Madison IA 52627



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 27th day of May, 1998.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: W RIGGS BAGAN MD

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 5/27/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935