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IN THE MATTER OF
MARK A. HUFFMAN, M.D.,
Respondent

ORDER GRANTING FURTHER STAY

On August 22, 1996, the Medical Examining Board issued its Final Decision and Order in the above-captioned matter. By the terms of the board's order, Dr. Huffman's license to practice medicine and surgery in Wisconsin was reinstated and limited to require, among other conditions, that Dr. Huffman not engage in any practice of medicine and surgery which includes performing patient care while in the physical proximity of a patient or in the same room as a patient, and that he not accept any employment unless specifically permitted by the board.

By letter dated February 24, 1997, Dr. Huffman petitioned the board to permit him to be employed at Totally Positive, Milwaukee, Wisconsin, as a medical review officer. Dr. Huffman appeared before the board on March 20, 1997, in support of his petition, and the board granted the petition by its Order dated April 7, 1997.

By letter dated March 24, 1998, Dr. Huffman petitioned the board to terminate the limitation on his license by which he was prohibited from the practice of medicine and surgery which includes performing patient care while in the physical proximity of the patient. Instead, Dr. Huffman requested that the board reinstate the terms and conditions of the board's earlier September 23, 1993, Final decision and Order, which limited Dr. Huffman's clinical practice to settings approved by the board, and which provided that any examination or treatment of a patient be conducted only in the physical presence of another health care professional. The board considered the petition at its meeting of April 22, 1998, and denied the petition by its Order dated May 6, 1998. In denying the petition, the board commented as follows:

When asked whether he was pursuing a specific practice plan or setting, Dr. Huffman indicated that he felt he was not in a position to apply for a position in a supervised clinical practice setting until he was aware of what limitations on his practice would be imposed by the board. The burden of establishing those limitations necessary to ensure public safety was attempted previously by the board without success, and that burden must now therefore be borne by Dr. Huffman. If after six months, Dr. Huffman is able to present to the board a specific practice plan by which he would engage in clinical practice only under the supervision of a physician or physicians who have agreed to undertake that supervision, and only in a practice setting with sufficient safeguards in place to provide assurance that patient harm will not occur, the board will consider such a practice plan. Until that time, however, the current safeguards must remain in place.

On August 26, 1998, Dr. Huffman appeared before the board in support of his further petition to permit him to return to clinical practice, as set forth in his letter of August 9, 1998. The board considered that petition on that date, and, by its Order dated September 4, 1998, modified the August 22, 1996, Final Decision and Order to permit Dr. Huffman to return to clinical practice subject to terms and conditions established by the Order.

On December 16, 1998, the board considered the grant of a further three month stay of the suspension of Dr. Huffman's license. Based upon current information of record herein, board orders as follows:

NOW, THEREFORE, IT IS ORDERED that the suspension of the license of Mark A. Huffman, M.D., to practice medicine and surgery in Wisconsin is hereby stayed for a further period of three months.

IT IS FURTHER ORDERED that all terms and conditions of the board's August 22, 1996 Final Decision and Order, as modified by the board's Order Modifying the Limited License dated September 4, 1998, shall remain in full force and effect.

Dated this 18th day of December, 1998.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by Wanda Roever
Board Secretary

