

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

MARK A. HUFFMAN, M.D.,

Respondent

ORDER DENYING PETITION

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, respondent'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 is 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 September 23, 1993, Final decision and Order. The board considered the petition at its meeting of April 22, 1998.

Based upon the petition, and upon other information of record herein,

NOW, THEREFORE, IT IS ORDERED that the petition of Mark A. Huffman, M.D., to modify the terms of the board's August 22, 1996 Final Decision and Order, as modified by the board's April 7, 1997 Order Modifying the Limited License, is denied.

DISCUSSION

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.

Dated this 6th 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 Disciplinary Proceedings Against

Mark A. Huffman, M.D.,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)


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

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

2. On May 15, 1998, I served the Order Denying Petition dated May 6, 1998, upon the Respondent Mark A. Huffman, 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 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 221 158 890.

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:


Mark A. Huffman, M.D.
4421 N. Maryland Avenue
Shorewood WI 53211



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 15 day of May, 1998.



Notary Public, State of Wisconsin

My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: MARK A HUFFMAN 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 5/15/98. 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