

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

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

MARK A. HUFFMAN, M.D.,

Respondent

ORDER MODIFYING THE LIMITED LICENSE

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 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 the board's August 22, 1996 Final Decision and Order is hereby modified to permit Dr. Huffman to perform patient care while in the physical proximity of a patient or in the same room as a patient subject to the following terms and conditions:

1. Dr. Huffman shall obtain a supervising physician acceptable to the Board for the full term of the limited license. The supervising physician shall be responsible for ensuring full compliance with all the terms and conditions set forth herein. The supervising physician may designate another physician acceptable to the board to exercise the duties and responsibilities of the supervising physician in his absence. In the event that the physician becomes unable or unwilling to serve as supervising physician, Dr. Huffman shall terminate any direct patient services until another supervising physician satisfactory to the board assumes that role.

2. 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

3. Dr. Huffman shall remain in psychotherapy and medical treatment on a schedule as recommended by his treating physicians, and shall comply with all recommendations by his physicians relating to prescribed medications and frequency of treatment.

4. Dr. Huffman shall provide and keep on file with his treating physicians current releases which comply with state and federal laws authorizing release of all of his medical and treatment records and permitting his treating physicians 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.

5. Dr. Huffman shall keep the supervising physician informed of his location and shall be available for contact by his supervising physician at all times.

6. Dr. Huffman shall practice only in a work setting pre-approved by the Medical Examining Board or its designated agent. Dr. Huffman may not practice independently or in any unsupervised setting.

7. Dr. Huffman 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.

8. The supervising physician shall be responsible for ensuring that Dr. Huffman notifies the chief administrator, the head of the medical staff and the head of the nursing staff of any facility where Dr. Huffman practices or is employed of the limitations on his license.

9. The supervising physician shall be responsible for ensuring that a member of the medical or nursing staff (hereinafter "medical assistant") is assigned to be present in the examination room at any time that Dr. Huffman is examining or treating any patient. The medical assistant shall be required to initial and date the medical chart of any patient seen by Dr. Huffman to confirm the fact of the medical assistant's presence and shall be required to report any irregularities in Dr. Huffman's conduct or practice to the supervising physician. If for any reason a medical assistant is unable or unwilling to be present at a time when Dr. Huffman is providing or is scheduled to provide patient care, all patient care shall be terminated.

10. The supervising physician shall be responsible for conducting a random patient chart review on at least a monthly basis to ensure compliance with the requirements set forth in paragraph #9, and to otherwise monitor the appropriateness of Dr. Huffman's practice.

11. The supervising physician shall meet at least monthly with Dr. Huffman and with supervisory staff to discuss Dr. Huffman's performance and his compliance with the terms of this Order.

12. Dr. Huffman shall be responsible for submission directly to the department monitor by his supervising physician of quarterly reports evaluating Dr. Huffman's work performance and his compliance with the terms of this Order.

13. Dr. Huffman shall be responsible for submission directly to the department monitor by his treating physicians of quarterly reports evaluating Dr. Huffman's progress in treatment and compliance with this Order.

14. Dr. Huffman's supervising physician and treating physicians shall immediately report to the department monitor any conduct or condition of Dr. Huffman which may constitute a violation of this Order or a danger to the public.

15. Dr. Huffman shall 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 physician to conform to the terms and conditions of this Order.

16. Dr. Huffman shall appear before the Medical Examining Board at least annually to review the progress of his treatment and rehabilitation. Dr. Huffman may petition the Medical Examining Board for modification of the terms of his limited license and the Medical Examining Board shall consider Dr. Huffman's petition at the time it meets with Dr. Huffman to review the progress of his rehabilitation. Any such petition shall be accompanied by a written recommendation from Dr. Huffman's supervising physician 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 Dr. Huffman 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.

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

18. If the Medical Examining Board determines that there is probable cause to believe that Dr. Huffman has violated the terms of this Order, the Medical Examining Board may order the license of Dr. Huffman to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

Dated this 4th day of September, 1998.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by Wanda Roever
Wanda Roever
Board 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

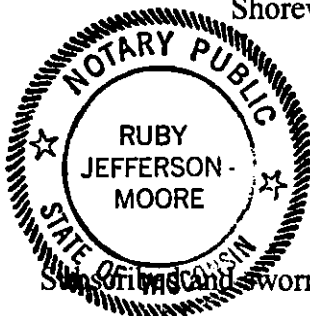
Respondent.

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 September 10, 1998, I served the Order Modifying the Limited License dated September 4, 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 Z 233 819 748.
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



Subscribed and sworn to before me
this 10th day of September, 1998.

Ruby Jefferson-Moore
Notary Public, State of Wisconsin
My commission is permanent.

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

NOTICE OF RIGHTS OF APPEAL

TO: MARK A HUFFMAN MD

You have been issued an Order. For purposes of service the date of mailing of this Order is 9/10/98. 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 Order 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 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 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 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 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