

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

State of Wisconsin  
Before The Medical Examining Board

In The Matter Of Disciplinary Proceedings Against  PATRICK J. NOONAN, M.D., Respondent.	FINAL DECISION AND ORDER Case # <u>LS981191 MED</u>
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Division of Enforcement Case #94 MED 014

The parties to this action for the purposes of Wis. Stats. s. 227.53 are:

Patrick J. Noonan, M.D.  
10520 North Port Washington Road  
Mequon, Wisconsin 53092

Wisconsin Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Patrick J. Noonan, M.D., personally, and by Claudia Berry Miran, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

1. Patrick J. Noonan, M.D., 10520 North Port Washington Road, Mequon, Wisconsin 53092, was born August 26, 1928, and has been licensed to practice medicine in the State of Wisconsin since August 13, 1958, under license # 13089.
2. An investigation, 94 MED 014, is pending before the Wisconsin Medical Examining Board. The investigation is the result of notification by the National Practitioner Data Bank and the Wisconsin Commissioner of Insurance of a malpractice settlement. This report alleges Dr. Noonan failed to diagnose a malignant lymphoma for a 53 year old patient, SW.
3. Dr. Noonan will retire from the practice of medicine and surgery in the State of Wisconsin effective December 31, 1998.
4. Dr. Noonan, in consideration of his retirement from the practice of medicine and surgery in the State of Wisconsin, will tender the voluntary surrender of his current registration effective December 31, 1998 and has agreed that he will not register or attempt to register at any time after that date.

## CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this matter pursuant to s. 448.02 (3)(c), Stats.
2. The Medical Examining Board has authority to enter into this stipulated resolution without an evidentiary hearing pursuant to s. 227.44 (5), Stats.

## ORDER

NOW, THEREFORE, IT IS ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that the voluntary surrender of Dr. Noonan's current registration is accepted effective December 31, 1998.

IT IS FURTHER ORDERED that Dr. Noonan shall not register or attempt to register at any time after that date.

IT IS FURTHER ORDERED that Dr. Noonan shall not practice or attempt to practice medicine or surgery in the State of Wisconsin when not registered.

IT IS FURTHER ORDERED that the pending investigation, 94 MED 014, shall be, and hereby is, closed with regard to Dr. Noonan without further proceedings.


IT IS FURTHER ORDERED that pursuant to s. 448.02 (4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Dr. Noonan has violated the terms of this Final Decision and Order of the Wisconsin Medical Examining Board, the Board may order that the license of Dr. Noonan to practice medicine and surgery in the State of Wisconsin be summarily suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

This Order shall become effective on the date of its signing.

Dated at Madison, Wisconsin this 19<sup>th</sup> day of November, 1998.

WISCONSIN MEDICAL EXAMINING BOARD

Wanda Roever  
Wanda Roever, Secretary 

State of Wisconsin  
Before the Medical Examining Board

In The Matter Of Disciplinary Proceedings Against

PATRICK J. NOONAN, M.D.  
Respondent.

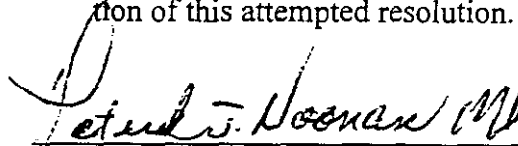
STIPULATION  
Case LS 981191 MED

Division of Enforcement Case #94 MED 014


It is hereby stipulated between Patrick J. Noonan, M.D., personally on his own behalf, and Claudia Berry Miran, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Patrick J. Noonan, M.D., was born August 26, 1928. Dr. Noonan's latest address on file with the Department of Regulation and Licensing is 10520 North Port Washington Road, Mequon, WI 53092.
2. Dr. Noonan is licensed to practice in the State of Wisconsin as a physician and surgeon pursuant to license #13089, which was first granted on August 13, 1958. Dr. Noonan specializes in otorhinolaryngology.
3. This stipulation is entered into as the result of an investigation, 94 MED 014, pending before the Wisconsin Medical Examining Board. The investigation is the result of notification by the National Practitioner Data Bank and the Wisconsin Commissioner of Insurance of a malpractice settlement. This report alleges Dr. Noonan failed to diagnose a malignant lymphoma.
4. Dr. Noonan, in consideration of his retirement from the practice of medicine and surgery in the State of Wisconsin, agrees that he will not register or attempt to register at any time after December 31, 1998.
5. Dr. Noonan consents to the resolution of the investigation by stipulation and entry of a Final Decision and Order, a copy of which is attached hereto and incorporated within, without the issuance of a formal complaint.
6. Dr. Noonan is aware of his right to seek legal representation and has had an opportunity to obtain legal advice prior to signing this stipulation.
7. Dr. Noonan is aware of and understands each of his rights, including:
  - The right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence;
  - The right to confront and cross-examine the witnesses against him;

- The right to call witnesses on his behalf and to compel their attendance by subpoena;
  - The right to testify himself;
  - The right to file objections to any proposed decision and to present briefs or oral arguments to the officials who will render the final decision;
  - The right to petition for rehearing; and
  - All other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
8. Dr. Noonan voluntarily and knowingly waives the rights enumerated in paragraphs 6 and 7 above.
9. The parties waive all costs of these proceedings.
10. The Parties to the Stipulation and the Case Advisor, Sidney Johnson, M.D., may appear before the Board for the purpose of speaking in favor of this agreement and answering questions that the members of the Board may have in connection with their deliberation on the Stipulation. Any appearance by any party pursuant to this paragraph shall be preceded by proper and timely notice to all parties to this proceeding.
11. This stipulation is subject to approval by the Case Advisor and by the Attorney Supervisor in the Division of Enforcement, and acceptance by the Wisconsin Medical Examining Board. If any term of this stipulation or the incorporated Final Decision and Order is not approved by the Case Advisor and by the Attorney Supervisor, and accepted by the Board, then no term of this stipulation or the Final Decision and Order will be binding in any matter on any party, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

  
Patrick J. Noonan, M.D. —

11-3-98  
Date

  
Claudia Berry Miran  
Attorney  
Division of Enforcement

11/9/98  
Date



## NOTICE OF RIGHTS OF APPEAL

TO: PATRICK J NOONAN MD

You have been issued an Order. For purposes of service the date of mailing of this Order is 12/10/98. 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