

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ARTHUR BURROUGHS, M.D.,  
RESPONDENT.

FINAL DECISION AND ORDER  
LS9907132MED

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The State of Wisconsin, Medical Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Medical Examining Board.

The Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs with the Department General Counsel within 15 days of this decision. The Department General Counsel shall mail a copy thereof to respondent or his or her representative.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 15th day of December, 1999.

Ronald Grossman, M.D.

**STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD**

**In The Matter Of The Disciplinary**

**Proceedings Against PROPOSED DECISION**

**Case No. LS-9907132-MED**

**ARTHUR BURROUGHS, M.D.,**

**RESPONDENT.**

**PARTIES**

The parties in this matter under § 227.44, Stats., and for purposes of review under § 227.53, Stats., are:

*Arthur Burroughs, M.D.  
631 Camelot Cr.  
Calhoun, GA 30701*

*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*

This proceeding was commenced by the filing of a Notice of Hearing and Complaint on July 13, 1999. A hearing was held in this matter on August 12, 1999. Attorney Steven M. Gloe appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. Dr. Burroughs did not file an Answer to the Complaint and did not appear at the hearing.

Based upon the record herein, the Administrative Law Judge recommends that the Medical Examining Board adopt as its final decision in this matter the following Findings of Fact, Conclusions of Law and Order.

### **FINDINGS OF FACT**

1. Arthur Burroughs, M.D. (d.o.b., 05/11/52) is duly licensed to practice medicine and surgery in the state of Wisconsin (license #22305). This license was first granted on July 13, 1979.

2. Dr. Burroughs' most recent address on file with the Wisconsin Medical Examining Board is 631 Camelot Cr., Calhoun, GA 30701. Respondent's address on file with the Tennessee Board of Medical Examiners is 133 N. Country Club Drive, Hendersonville, TN 37075.

3. On November 19, 1997, the Tennessee Board of Medical Examiners issued an

Agreed Order in which it made Findings of Fact including, but not limited to, the following:

1. The Respondent has, by his signature on this Order, waived his right to a contested case hearing and any and all rights to judicial review of this matter.

4. An examination of Respondent's Tennessee medical license renewal application dated May 16, 1994 reveals that the Respondent made misrepresentation on that form regarding prior treatment for substance abuse.

In fact, Respondent had received in-patient treatment in 1992 and again in late 1993.

5. An examination of Respondent's Tennessee medical license renewal application dated August 17, 1996 reveals that the Respondent again made misrepresentation on that form regarding prior treatment for substance abuse and failed to disclose the fact that he was licensed to practice medicine in the State of Wisconsin at that time.

5. The Respondent met a female patient, Patient A, in the emergency room at Nashville Memorial Hospital where she presented for medical treatment for chronic migraine headaches. Patient A exhibited drug-seeking behavior during those visits to the ER. On one occasion in early 1996, the respondent asked Patient A if he could call her at her home. Believing that the Respondent's call would concern her health and treatment, Patient A consented.

6. On the first occasion that the Respondent reach Patient A at her home by

telephone, the Respondent offered to give Patient A controlled addictive drugs in exchange for sexual favors.

7. As a result of the contact described in paragraph 6, Patient A was put in contact with the District Attorney's Office and the Metro Nashville Vice Unit.

8. The Respondent, by repeated telephone calls to her home, solicited sexual contact with Patient A. In exchange for said sexual contact, Respondent offered to write Patient A prescriptions for a controlled substance during telephone contacts made on or about March 26, March 28, March 29, April 14, and April 18, 1996. The sum and substance of those conversations was that if Patient A would meet the Respondent at his motel and "strip down" and masturbate him the Respondent would in turn write Patient A a prescription for a controlled drug such as Lortab or Mepergan.

9. During a telephone conversation conducted on or about April 18, 1996, the Respondent indicated to Patient A that he was in fact masturbating during the telephone conversation and that he wished that Patient A were with him in order to masturbate him.

10. The Respondent's only concern during these contacts was his own sexual gratification. Never during the telephone contacts described above did the Respondent physician attempt to help the patient by determining the root cause for her migraine headaches or provide help for the patient's drug dependence. Further, he did not attempt to establish a proper boundary between physician and patient which was his responsibility.

11. The conduct described above constitutes violations of the Medical Practice Act and the Board's Sexual Misconduct Policy.

4. Based upon the Tennessee Board of Medical Examiners' Findings of Fact, as described in paragraph 3 above, Dr. Burroughs' medical license was placed on indefinite suspension for a period of not less than eighteen (18) months, effective November 19, 1997.

5. Respondent did not file an Answer to the Complaint filed in this matter and did not appear at the hearing held in this matter.

#### **CONCLUSIONS OF LAW**

1. The Medical Examining Board has jurisdiction in this matter pursuant to s. 448.02 (3) Wis. Stats., and s. Med 10.02 (2) Wis. Adm. Code.

2. Respondent's conduct as described in Findings of Fact 3 and 4 herein, constitutes unprofessional conduct within the meaning of s. Med 10.02 (2)(q), Wis. Adm. Code.

3. By failing to file an Answer to the Complaint and failing to appear at the hearing held in this matter, respondent is in default under s. RL 2.14 Wis. Adm. Code.

#### **ORDER**

**NOW, THEREFORE, IT IS ORDERED** that the license (#22305) of Arthur Burroughs to practice medicine and surgery in the state of Wisconsin be, and hereby is, revoked.

**IT IS FURTHER ORDERED** that pursuant to s. 440.22 Wis. Stats., the cost of this proceeding shall be assessed against respondent, and shall be payable to the Department of Regulation and Licensing.

This order is effective on the date on which it is signed on behalf of the Medical Examining Board.

### **OPINION**

This proceeding was commenced by the filing of a Notice of Hearing and Complaint on July 13, 1999. A hearing was held in this matter on August 12, 1999. Attorney Steven M. Gloe appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. Dr. Burroughs did not file an Answer to the Complaint and did not appear at the hearing.

**I Alleged Violations.** The Division alleges in its Complaint that by engaging in the conduct described therein, respondent violated ss. Med 10.02 (2) (q), Wis. Adm. Code.

### **II Applicable Law**

Section Med 10.02 (2). The term "unprofessional conduct" is defined to mean and include but not be limited to the following, or aiding or abetting the same:

(q) Having a license, certificate, permit, registration, or other practice credential granted by another state or by any agency of the federal government to practice medicine and surgery or to treat the sick, which becomes limited, restricted, suspended, or revoked, or having been subject to other adverse action by the state licensing authority or by any agency of the federal government, including but not limited to the denial or limitation of an original credential, or the surrender of a credential, whether or not accompanied by findings of negligence or unprofessional conduct.

### **III Determinations**

Under s. RL 2.14, Wis. Adm. Code, if a respondent fails to answer as required by s. RL 2.09 or fails to appear at the hearing at the time fixed therefor, the respondent is in default and the disciplinary authority may make findings and enter an order on the basis of the complaint and other evidence.

The evidence presented at the hearing held in this matter consists of a copy of the Agreed Order issued by the Tennessee Board of Medical Examiners on November 19, 1997 and a copy of the Affidavit of Service filed by the Division of Enforcement relating to service of the Complaint filed in this matter. *Exhibits 1 and 2.*

Although Dr. Burroughs did not file an Answer to the Complaint and did not appear at the hearing, by signing the Agreed Order issued by the Tennessee Board of Medical Examiners, he admitted to the misconduct described in the Findings of Fact contained in that Order. Based upon those admissions and his failure to file an Answer to the Complaint filed in this matter, the evidence establishes that the violation occurred.

### **IV Discipline**

Having found that Dr. Burroughs engaged in unprofessional conduct, a determination must be made regarding whether discipline should be imposed, and if so, what discipline is appropriate.

The Medical Examining Board is authorized under s. 448.02 (3), Stats., to warn or reprimand a credential holder, or limit, suspend or revoke any license, certificate or limited permit granted by the board to that person if it finds that the person engaged in unprofessional conduct.

The purposes of discipline by occupational licensing boards are to protect the public, deter other licensees from engaging in similar misconduct and to promote the rehabilitation of the licensee. State v. Aldrich, 71 Wis. 2d 206 (1976). Punishment of the licensee is not a proper consideration. State v. MacIntyre, 41 Wis. 2d 481 (1969).

The Complainant recommends that Dr. Burroughs' license be revoked. The Administrative Law Judge also

recommends that Dr. Burroughs' license be revoked. This measure is designed to assure protection of the public and to deter other licensees from engaging in similar misconduct.

As indicated by the Tennessee Board of Medical Examiners in its Agreed Order, Dr. Burroughs' only concern during his contact with Patient A was his own sexual gratification. Never during the telephone contacts did he attempt to help the patient by determining the root cause of her migraine headaches or provide help for the patient's drug dependence. Further, he did not attempt to establish a proper boundary with the patient. Dr. Burroughs' conduct reflects that he is incapable of practicing in a manner that safeguards the interest of the public. Without evidence of the effectiveness of the discipline imposed on Dr. Burroughs by the Tennessee Board of Medical Examiners, revocation of his Wisconsin license is the only viable measure available to insure protection of the public. If Dr. Burroughs seeks reinstatement of his license in the future, the Board may reinstate his license if it determines that he is capable of practicing in a manner that safeguards the interest of the public.

Based upon the record herein, the Administrative Law Judge recommends that the Medical Examining Board adopt as its final decision in this matter, the proposed Findings of Fact, Conclusions of Law and Order as set forth herein.

Dated at Madison, Wisconsin this 4th day of November 1999.

Respectfully submitted,

Ruby Jefferson-Moore

Administrative Law Judge