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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST:

LINDY K. AKES, MD,
RESPONDENT

FINAL DECISION AND ORDER
LS0102215MED

Division of Enforcement Case No. 98 MED 284

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Lindy K. Akes, MD
PO Box 4601 Fairview Station
Española, NM 87533

Medical Examining Board
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Lindy K. Akes, MD (DOB 05/16/58) is duly licensed to practice medicine and surgery in the state of Wisconsin (license #27149). This license was first granted on October 25, 1985. Dr. Akes is a family practitioner.
2. Dr. Akes' most recent address on file with the Wisconsin Medical Examining Board is PO Box 4601 Fairview Station, Espanola, NM 87533.
3. On April 9, 1998, the New Mexico Board of Medical Examiners issued an order that conditioned and restricted the license of Dr. Akes to practice medicine in New Mexico. The Board found that in 1995 and 1996 Dr. Akes prescribed controlled substances (Percocet, Diazepam, Lortab, Lorcet, Fiorinal, Roxicet and Dilaudid) in quantities that exceeded what was medically indicated for 4 patients; and that in 1994 Dr. Akes prescribed controlled substances for 2 patients where the drugs were intended for use by someone other than the patient named on the prescription. A true and correct copy of the New Mexico Order is attached to this document as Exhibit A. Exhibit A is incorporated into this document by reference.

4. Dr. Akes has complied with all terms and conditions imposed by the 1998 New Mexico Order, including: a) submission to a neuropsychological examination, and b) attendance at a course including pain management techniques and prescription and use of controlled substances.

5. In resolution of this matter, Dr. Akes consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to sec. 448.02(3), Stats., and is authorized to enter into the attached Stipulation and Order, pursuant to sec. 227.44(5), Stats.

2. The conduct described in paragraph 3, above, constitutes a violation of Wisconsin Administrative Code § Med 10.02(q).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Wisconsin license of Lindy K. Akes, MD (license #27149) is LIMITED as follows:

1. In any Wisconsin practice engaged in by Respondent, Respondent shall maintain full and complete compliance with all terms, limitations and conditions imposed against his medical license in New Mexico.

2. Until otherwise ordered by the Board, Respondent shall REFRAIN from the prescription of class 2 and class 3 controlled substances.

3. Respondent shall notify the Board at least fifteen (15) days prior to any resumption on his part of his practice of medicine in the state of Wisconsin.

4. Respondent may petition the Board for removal or revision of any of the terms and conditions imposed pursuant to this Order at any time following successful completion of all limitations, terms and condition imposed against his New Mexico license. In the exercise of its discretion, the Board may require a personal appearance by Respondent to answer questions in conjunction with his petition. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of secs. 227.01(3) and 227.42, Stats.

5. Any petition or report submitted under this Order shall be submitted to: Department Monitor, Division of Enforcement, PO Box 8935, Madison, WI 53708-8935. FAX (608) 266-2264.

6. Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license; the Board in its discretion may in the alternative impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.

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

MEDICAL EXAMINING BOARD

By: Sidney Johnson

2-21-01

A Member of the Board

Date