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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST:

JOHN A LANE, RCP,
RESPONDENT

FINAL DECISION AND ORDER
LS0103232MED

Division of Enforcement Case File No. 00 MED 334

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

John A. Lane
1713 Figueroa NE
Albuquerque, NM 87112

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. John A. Lane, RCP (DOB 04/05/60) is duly licensed to practice respiratory care in the state of Wisconsin (license #1494.) This license was first granted on February 24, 1993.
2. Mr. Lane's most recent address on file with the Wisconsin Medical Examining Board is 1713 Figueroa NE, Albuquerque, NM 87112.
3. On May 25, 1999, the Arizona State Board of Respiratory Care Examiners revoked the Respondent's license to practice respiratory care in Arizona. This default judgment against Respondent was based upon Respondent's prior disciplinary history in Arizona as well as Respondent's failure to show up for scheduled work on three occasions. A true and correct copy of the 1999 Arizona Order of Revocation of License is attached to this document as Exhibit A.
4. Respondent has informed the Division of Enforcement that at the time of the factual basis for the Arizona Order he was dealing with, among other things, dependency upon narcotic pain relievers (prescribed for back pain). Respondent consents to the issuance of the following Conclusions of Law and Order as a reasonable accommodation in resolution of this matter.

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 unprofessional conduct within the meaning of Wis. Admin. Code § Med 10.02(2)(q).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

- A.** The Wisconsin license of John A. Lane to practice as a Respiratory Care Practitioner shall be SUSPENDED for an INDEFINITE PERIOD of time.
- B.** Respondent may petition the Board to return to active licensure in Wisconsin at any time.
 1. In conjunction with the submission of a petition under this paragraph, the Board may, in the exercise of its discretion, require one or more chemical dependency, mental or professional competency examinations to evaluate Respondent's ability to return to the practice of respiratory care. The Board may also require a personal appearance by Respondent to answer any questions it may have in conjunction with his petition. Respondent shall be responsible for all costs incurred in obtaining any examinations required by the Board.
 2. 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. *The Board may in its sole discretion determine whether, and under what terms and conditions, Respondent may resume the practice of respiratory care in the state of Wisconsin.*
- C. Violation of any of the terms of this Order or the conditions imposed as a result 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.**
- D.** This Order shall become effective on the date of its signing.

MEDICAL EXAMINING BOARD

By: Sidney Johnson
A Member of the Board

3-22-01
Date