

# 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 THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : LS0209271MED  
JOHN A. FRENZ, M.D., :  
RESPONDENT. :

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FINAL DECISION AND ORDER

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The parties to this action for the purposes of § 227.53, Stats., are:

John A. Frenz, M.D.

P.O. Box 5900

Brandon, MS 39047

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 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 Medical Examining 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. Frenz, M.D., Respondent, date of birth October 23, 1941, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin, pursuant to license number 31759, which was first granted November 15, 1990.

2. Respondent's last address reported to the Department of Regulation and Licensing is P.O. Box 5900, Brandon, MS 39047.

3. Respondent's practice specialty is neurological surgery.

4. During the events of this matter, Respondent was licensed to practice medicine in the state of Mississippi pursuant to license number 10906 and practiced at the Rankin Medical Center (RMC) in Brandon, Mississippi.

a. On May 18, 2001, the RMC Administrator and the Chief of the Surgery Department formally notified Respondent that there had been two complaints brought against him alleging sexual misconduct; one occurring in Respondent's office and the other in the hospital.

b. On that same date, Respondent submitted a letter to the RMC Administrator and the Chief of the Surgery Department requesting a temporary leave of absence, effective immediately.

c. On May 21, 2001, the RMC Medical Executive Committee granted Respondent's request for a temporary leave of absence pending an investigation of the charges against him. Respondent was informed that he would not be allowed to see and/or treat patients in the hospital.

d. On October 1, 2001, Respondent submitted a letter of resignation effective on that date, by which he resigned all of his medical staff privileges at RMC.

5. On October 5, 2001, the Mississippi State Board of Medical Licensure (Mississippi Board) received from RMC an "Adverse Action Verification Document" regarding Respondent, dated October 3, 2001. The Adverse Action Report stated under Section C of INFORMATION REPORTED:

*"VOLUNTARY SURRENDER OF CLINICAL PRIVILEGE(S), WHILE UNDER, OR TO AVOID, INVESTIGATION RELATING TO PROFESSIONAL COMPETENCY OR CONDUCT (1635)."*

#### COUNT I

Based upon the foregoing, Licensee has voluntarily surrendered hospital staff privileges or had restrictions imposed thereon, while an investigation or disciplinary proceedings is being conducted by a licensed hospital or medical staff or medical staff committee of said hospital, all in violation of Mississippi Code Annotated Section, 73-25-29(10).

#### COUNT II

Based upon the foregoing, Licensee is guilty of unprofessional conduct, including dishonorable or unethical conduct likely to deceive (sic), defraud or harm the public, all in violation of Mississippi Code Ann., Section 73-25-29(8)(d), (13) and 73-25-83(a).

6. On October 11, 2001, the Mississippi Board issued a Summons which ordered Respondent to appear before the Board on November 15, 2001, to answer the charges filed against him as set out in paragraph 5, above.

7. On November 15, 2001, in response to Respondent's request for continuance of the hearing, the Mississippi Board issued an Order of Continuance and the matter was continued until January 17, 2002.

8. On February 13, 2002, Respondent voluntarily surrendered his license to practice medicine in the state of Mississippi. By signing the "Surrender of Medical License," among other things, Respondent:

acknowledged that an investigation had been conducted by the Mississippi Board indicating that



he was currently unable to practice medicine with reasonable skill and safety to patients. acknowledged that he wished to avoid a hearing before the Mississippi Board and consented to the unconditional surrender of his license to practice medicine in the state of Mississippi. acknowledged that, in the event he later decides to practice medicine in the state of Mississippi, he must make application with the Mississippi Board and that, at such time, the Board reserves the right to utilize all evidence in its possession as part of consideration of any application. did not admit or acknowledge any wrongful misconduct, negligent act, error, or omission.

9. On February 21, 2002, the Mississippi Board accepted and approved Respondent's signed "Surrender of Medical License."

10. Law enforcement authorities in Mississippi are considering whether to bring criminal charges against Respondent based upon his conduct in that state.

11. Respondent is also licensed to practice medicine in the State of Ohio. The Ohio licensing authorities have commenced a disciplinary proceeding against Respondent based upon the Mississippi events. The hearing was held in that matter during September 2002 and it is awaiting a decision.

12. Respondent has not practiced medicine and surgery in Wisconsin for several years and at this time has no intention of returning to Wisconsin to practice. For that reason, Respondent voluntarily tenders the surrender of his license to practice medicine and surgery in the state of Wisconsin.

## **CONCLUSIONS OF LAW**

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to § 448.02(3), Stats.

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter pursuant to §§ 227.44(5) and 448.02(5), Stats.

3. Respondent, by having had disciplinary action taken against his Mississippi medical license by the Mississippi State Board of Medical Licensure, has committed unprofessional conduct as defined by Wis. Adm. Code § Med 10.02(2)(q), and is subject to discipline pursuant to § 448.02(3), Stats.



## **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED that the SURRENDER by John A. Frenz, M.D., of his license to practice medicine and surgery in the state of Wisconsin is hereby accepted, effective immediately.

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

Dated at Madison, Wisconsin this 20th day of November, 2002.

Virginia S. Heinemann

Secretary

Medical Examining Board