

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
JEFFREY D. LEY, M.D.	:	LS0307233MED
RESPONDENT.	:	03 MED 74

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

Jeffrey D. Ley MD
14365 St. Croix Tr. N.
Marine on the St. Croix, MN 56047

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 prosecutor and respondent in this matter agreed 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 now reviewed this Stipulation, and approves it.

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

FINDINGS OF FACT

1. Respondent Jeffrey Duane Ley (dob 3/6/56) is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #33741, first granted on 9/24/92. Respondent is an orthoped. Respondent represents to the Board that he has not practiced medicine or surgery in Wisconsin since 1995, and has no plans to do so in the immediate future.

2. Respondent did, on 12/22/02, stipulate to a disciplinary order which was subsequently adopted on 1/4/03, by the Minnesota Board of Medical Practice, and which is attached. The Findings of that Order, including that respondent was self-prescribing and dependent upon stimulants, opioids, and zolpidem, and had obtained these by other improper means, are incorporated herein by reference.

CONCLUSIONS OF LAW

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

B. The conduct described in paragraph 2, above, violated § Med 10.02(2)(i) [practice while impaired], (q) [discipline by another state], (r) [obtaining controlled substance outside legitimate practice], and (z) [violation of related law or rule], Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED:

1. As long as he neither practices medicine in the state of Wisconsin, nor practices elsewhere under his Wisconsin license, the Wisconsin license to practice medicine and surgery of Jeffrey Duane Ley, MD, is LIMITED as set forth in §448.02(3)(e), Wis. Stats., and to require respondent to comply with all conditions imposed pursuant to the State of Minnesota Order (including any subsequent amendments).

2. Respondent shall cause copies of quarterly reports from the Minnesota Board of Medical Practice to be filed with the Wisconsin Medical Examining Board. These reports shall document the status of respondent's compliance with the terms and conditions imposed on his medical license in Minnesota; all reports shall be sent to the Department Monitor of the Wisconsin Department of Regulation and Licensing at the address set forth below.

Department Monitor
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 267-7139

3. Respondent shall immediately surrender all indicia of Wisconsin registration to the Department Monitor. The Department shall reissue registration credentials to respondent marked "limited."

4. Prior to resumption of the practice of medicine in the state of Wisconsin [or elsewhere under the use of his Wisconsin license] respondent shall notify the Department Monitor of his desire to resume the active use of his Wisconsin licensure and petition the Board for permission to practice within this state.

a. In conjunction with a petition by respondent, the Board shall require current documentation of the

status of respondent's compliance with the terms and conditions imposed against his Minnesota license to practice medicine.

b. In the exercise of its discretion, the Board may in addition may require a personal appearance by respondent to answer questions in conjunction with his petition. The Board may in addition in the exercise of its discretion require an AODA evaluation, if the Board feels the results of such an evaluation are necessary to evaluate respondent's ability to safely and competently practice medicine and surgery.

c. 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 §§227.01(3) and 227.42, Wis. Stats.

5. Upon its completion of review of a petition under this Order, the Board may issue a full and unrestricted license to respondent. In the alternative, the Board may in its discretion deny the petition, or impose such terms and conditions as the Board finds appropriate to safeguard the public health, safety and welfare.

IT IS FURTHER ORDERED, that respondent shall pay the costs of investigating and prosecuting this matter in the amount of \$200, within 30 days of this order.

IT IS FURTHER ORDERED, that pursuant to §448.02(4), Wis. Stats., if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license and registration of respondent be summarily suspended pending investigation of the alleged violation. Upon request of the Department Monitor or a prosecuting attorney, the Board's Monitoring Liaison or Board Chair may terminate a stay of suspension until the next meeting of the Board, after giving respondent notice of an alleged violation and the opportunity to be heard.

Dated this July 23, 2003.

WISCONSIN MEDICAL EXAMINING BOARD

Alfred Franger

A Member of the Board