

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE WISCONSIN MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : LS0407216MED
THOMAS F. BABCOCK, D.O., :
 APPLICANT. :

ORDER GRANTING LIMITED LICENSE

Thomas F. Babcock, D.O, appeared before the Wisconsin Medical Examining Board on May 19, 2004, for an oral examination in support of his application for medical licensure in Wisconsin. Based upon all of the information of record, the Board makes the following findings and orders:

FINDINGS OF FACT

1. Thomas F. Babcock, D.O., hereinafter referred to "applicant," date of birth December 12, 1947, is licensed by the Iowa Board of Medical Examiners as a Doctor of Osteopathy, pursuant to license #02357, originally issued on June 30, 1989.
2. The applicant's current address is 504 9th Avenue, S.E., Oelwein, Iowa 50662.
3. On or about February 19, 2004, the applicant filed an application for a license to practice medicine and surgery in Wisconsin.
4. On May 19, 2004, the applicant appeared before the Wisconsin Medical Examining Board for an oral examination on his application for licensure.

PRIOR DISCIPLINARY ACTION BY IOWA MEDICAL BOARD

5. On June 6, 2003, the Iowa Board of Medical Examiners issued a disciplinary order against the applicant, placing his medical license on probation for a period of five (5) years. The terms of the Iowa probationary order included: monitoring and quarterly reports by a work-site physician, participation in a sexual misconduct treatment, use of patient survey polygraph examinations every six months, and permanently prohibited from treating female patients without having a healthcare professional chaperone continually present. A true and correct copy of Iowa Statement of Charges, Settlement Agreement and Final Order is attached and incorporated herein as **Exhibit 1**.

6. The applicant has remained compliant with the terms and conditions of his probationary license in Iowa.

ORDER

IT IS HEREBY ORDERED that a LIMITED license to practice medicine in the state of Wisconsin shall be issued to the applicant. The terms and conditions of the applicant's limited license are set forth more fully in the following paragraphs: IT IS FURTHER ORDERED that the period of limitations shall be indefinite.

CONDITION AND LIMITATIONS

A. Participation in Approved Sexual Misconduct Treatment Program.

1. Prior to commencing the practice of medicine in the state of Wisconsin, the applicant shall have arranged for and entered into an approved program for the treatment of sexual misconduct, with a qualified provider acceptable to the Board, or its designee. The applicant shall participate in, cooperate with and follow all treatment recommended by

provider.

2. The applicant shall furnish a copy of this Final Decision and Order and the June 24, 2003, order of Iowa Board of Medical Examiners, to the provider upon commencement of his treatment, so that an appropriate plan of treatment may be developed.
3. The applicant shall be responsible for the payment of his treatment and shall immediately self-report any violation of any of the terms and conditions of this Order or any other order, or any suspected unprofessional conduct, to the Board or its designee
4. The sexual misconduct treatment program shall include individual and/or group therapy sessions at a frequency to be determined by approved provider, but not less than one session per month. The therapy sessions may end only upon a determination by the Board or its designee after receiving a petition for modification, supported and endorsed in writing by the approved provider.
5. The approved provider shall submit written progress reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess the applicant's progress in treatment. The provider shall report any violation of any of the terms and conditions of this Order or any other order, or any suspected unprofessional conduct, to the Board or its designee shall report immediately to the Department Monitor any violation or suspected violation of this Order.
6. If the provider is unable or unwilling to continue as the provider of these services, the applicant shall immediately seek approval of a successor provider by the Board or its designee so that there is no lapse in the treatment.

B. Releases

The applicant shall provide and keep on file with provider and all treatment facilities and personnel current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Regulation and Licensing, Division of Enforcement to obtain all patient health care and treatment records and reports, and to discuss the progress of the applicant's treatment and rehabilitation. Copies of these releases shall immediately be filed with the Department Monitor.

C. Practice Limitations

1. The applicant's medical practice shall be limited to serving as a physician or medical advisor for the State of Wisconsin Department of Corrections (DOC). The applicant may accept an offer of employment at any DOC prison or correctional facility which incarcerates only male prisoners. The applicant is specifically restricted from accepting an offer of employment at any DOC prison or facility in Wisconsin which incarcerates female prisoners or juvenile offenders. The applicant is specifically restricted from providing medical services to any female prisoners or juvenile offenders under the terms of his limited license.

D. Supervised Work Reports

1. The applicant shall provide quarterly work reports to the Department Monitor from his immediate supervisor. The reports shall include information as to the applicant's work performance and compliance with the terms of his limited license.
2. The applicant shall provide a copy of this Final Decision and Order immediately to the Department of Corrections and to the warden of any prison facility where the applicant is permitted to practice.
3. The applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

E. Department Monitor

Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor, Department of Regulation and Licensing
1400 East Washington Ave., P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264, Telephone: (608) 267-3817
department.monitor@drl.state.wi.us

F. Change of Provider or Approved Program by Board

If the Board or its designee determines the provider or approved program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that the provider continue treatment and rehabilitation under the direction of another provider or approved program.

G. Petitions for Modification

The applicant may not petition the Board for modification of the terms of this Order until the third year of the order. Any such petition shall be accompanied by a written recommendation from the applicant's provider expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of §227.01(3)(a), Stats., and the applicant shall not have a right to any further hearings or proceedings on the denial.

H. Annual Appearance

The applicant shall make an annual personal appearance before the Board to answer any questions that the Board may have concerning the applicant's compliance with the order. The Board, in its discretion, may modify the terms of the order, based on any information received at the annual appearance from the applicant, the Department Monitor or any other credible source.

I. Summary Suspension

1. The applicant's limited license shall be subject to summary suspension for violation of the terms of the order, in the interests of public health and safety, pursuant to the terms of this order. If the Board determines that there is good cause for summarily suspending the applicant's license, the summary suspension shall become effective upon:

- (a) Mailing to the applicant's last-known address provided to the Department of Regulation and Licensing pursuant to § 440.11, Stats., or
- (b) Actual notice to the applicant or his attorney.

2. The applicant may request a hearing on the imposition of the summary suspension, and such hearing shall be held using the procedures set forth in ch. RL 2, Wis. Adm. Code. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within sixty (60) days of receipt of the applicant's request, unless otherwise waived by the applicant. The request of a hearing does not stay the suspension during the pendency of the hearing process.

3. After a hearing, or in lieu of a hearing, the Board or its designee, may reinstate the limited license, if provided with sufficient information that the applicant is in compliance with the Order and that it is inappropriate for the suspension to remain in effect. The decision whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.

4. The sufficiency of the proof of compliance shall be determined by the Board or its designee in its discretion. The suspension will be tolled during any period that the applicant is not working as a physician.

J. Additional Discipline

1. In addition to a basis for summary suspension, violation of any term of this Order may be the basis for a separate disciplinary action under § 441.07, Stats. The rights of a party aggrieved by this Decision to petition the Section for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 21st day of July, 2004.

Lief W. Erickson, Jr., M.D.
Secretary of the Board