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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
THE LICENSE OF	:	
	:	FINAL DECISION AND ORDER
DAVID B. TICK, M.D.,	:	LS # 0408251 MED
RESPONDENT.	:	

[Division of Enforcement Case # 03 MED 326]

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

David B. Tick, M.D.
1220 W. Ranchito Lane
Mequon WI 53092

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison WI 53708-8935

Medical Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison WI 53708-8935

PROCEDURAL HISTORY

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 the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. David B. Tick, M.D., (DOB 7/25/1957) is duly licensed as a physician in the state of Wisconsin (license #34022). This license was first granted on 1/21/1993.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 1220 W. Ranchito Lane, Mequon, Wisconsin 53092.
3. At all times relevant to this action, Respondent was working as a physician in Ozaukee County, Wisconsin.
4. Respondent was a partner in Ozaukee Medical Center. Respondent and his partner were unable to resolve disagreements, including Respondent’s partner’s dissatisfaction with Respondent’s methods of keeping patient records, and in a heated conversation in June 2003 Respondent suggested dissolving the partnership.

5. Without advance notice to Respondent and without agreement on the mechanics of dissolving the partnership, Respondent's partner sent a letter to the partnership's patients that Respondent would no longer be seeing patients at the partnership.

6. As soon as he learned of the letter, Respondent went to the clinic and removed the charts of several hundred patients for whom he considered himself to be the primary physician. He did not provide advance notice to either the patients or his former partner.

7. Respondent and his former partner eventually settled the dissolution of the partnership and division of the partnership assets and liabilities through a lawsuit.

8. As a result of Respondent's precipitous exit from the practice, Respondent was unable in some instances to comply with patient requests for records in a timely fashion.

9. Respondent has complied with all patient requests for records known to the Division of Enforcement.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. §448.02(3), [\[smg1\]](#) and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of David B. Tick, M.D., to practice medicine and surgery in the state of Wisconsin is hereby LIMITED.

a. David B. Tick, M.D., shall engage the consulting services of Wisconsin Independent Physician Network for the monthly review of his patient record keeping practices and his timely compliance with proper requests for access to patient records.

(1). For purposes of this order, "timely compliance with proper requests for access to patient records" means either providing access within seven days to a request for access to patient records where the request is in substantial compliance with Wis. Stat. s. 146.82, or providing a response denying the records with specific explanation for the denial of access.

b. David B. Tick, M.D., shall direct and require that the consultant from Wisconsin Independent Physician Network prepare a report on the quality of his patient records for the previous month, and on the timeliness of his responses to requests for access to patient records during the previous month, and transmit that report to

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

c. Dr. Tick shall direct and require that Wisconsin Independent Physician Network make six monthly reports to the Board, the first of which shall be due on the 10th of the month following the date of this order, with succeeding reports on or before the 10th of each succeeding month.

d. Dr. Tick shall direct and require that the reports include a description of any deficiencies the consultant notes in his record keeping practices or in his response to requests for access to patient records, and a description of corrective steps suggested to Dr. Tick and his response to those corrective suggestions.

(1.) For purposes of this order, “deficiencies” in record keeping practices is defined as failure to meet the requirements of Wis. Admin. Code s. Med 21.03, and “deficiencies” in responding to requests for access to patient records means failure to either provide access to the records within seven days of a request for access to patient records where the request is in substantial compliance with Wis. Stat. s. 146.82, or provide a response denying the records with specific explanation for the denial of access.

2. It is further ordered that Respondent shall, within (90) days from the date of this Order, pay costs of this proceeding in the amount of Two Thousand Four Hundred Twenty-five (\$2,425.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

3. Violation of any of the terms of this Order may 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 or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit any payment of the costs as ordered, or fails to require Wisconsin Independent Physician Network to file any required report on time, the Respondent's license(#34022) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

4. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By: Alfred Franger, MD
A Member of the Board

July 20, 2005
Date

[\[smg1\]](#) This should be deleted/ changed to a blank