

# 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	:	
	:	FINAL DECISION AND ORDER
MARTIN L. DEVINE, M.D.,	:	LS0504201MED
RESPONDENT.	:	

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02 MED 362

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

Martin L. Devine, MD  
414 August Hills Drive  
La Crescent, MN 55947

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

PROCEDURAL HISTORY

The parties in this matter, Martin L. Devine, M.D. personally, and James E. Polewski, Attorney for Complainant, agree to the terms and conditions of the attached Stipulation as final disposition of this matter, subject to the approval of the Medical Examining Board.

The Board has reviewed the Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Martin L. Devine (D.O.B. January 10, 1965) is duly licensed in the state of Wisconsin as a physician (license # 33618). This license was first granted on August 19, 1992.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 414 August Hills Drive, La Crescent, MN 55947.
3. Respondent suffered from a mental health condition that made the Respondent unable to write and complete progress notes for the 604 patients that Respondent treated from January 16, 2001 through July 11, 2001. This raised reasonable concerns for the safety of the patients that Respondent treated.
4. Respondent allowed the registration of his Wisconsin medical license to expire on October 31, 2003, and he allowed his Minnesota medical license to expire on January 31, 2003.
5. Respondent resides in Minnesota, is not currently practicing medicine, and has no current plans of returning to clinical practice.

## CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to Wis. Stat. s. 448.02.
2. The Wisconsin Medical Examining Board has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to Wis. Stat. s. 227.44(5).
3. Respondent's failure to maintain patient records as described in paragraph 3, above, is unprofessional conduct within the meaning of Wis. Admin. Code s. MED 10.02(2).

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent Martin L. Devine, MD's license to practice medicine and surgery is LIMITED in that Respondent will not engage in any practice of medicine and surgery in the state of Wisconsin that includes any patient contact or direct patient care by Respondent.
2. In the event Respondent petitions the Board to amend or lift the limitation on his license, Respondent shall provide such evidence as the Board may require that he is no longer suffering from any disability or lack of skill or knowledge which adversely affects his ability to practice with requisite skill or safety to patients and the public. The Board in its sole discretion may decline to grant Respondent's petition in whole or in part based on Respondent's petition and the evidence produced at that time.
3. This Order shall become effective on the date of its signing.

Wisconsin Medical Examining Board

By: Alfred Franger  
A Member of the Board

4-20-05  
Date