

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE  
APPLICATION FOR LICENSURE TO  
PRACTICE MEDICINE AND SURGERY

:  
:  
: **ORDER GRANTING LIMITED LICENSE**  
: **(NON-DISCIPLINARY)**  
:  
:  
:

JAMES J. YURCEK, M.D.,  
  
APPLICANT.

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The parties to this action for the purposes of § 227.01, Wis. Stats., are:

James J. Yurcek  
5864 Blue Jay Drive  
Kalamazoo, MI 49009

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 and order granting a limited license in this matter. The Wisconsin Medical Examining Board has reviewed the terms of this final decision and order, as stipulated, and finds it acceptable.

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

**FINDINGS OF FACT**

1. The applicant, James J. Yurcek, M.D., (dob: 11/06/56), is and was at all times relevant to the facts set forth herein a medical doctor licensed in the state of Michigan (lic. #4301070015). The Michigan medical license was first granted to the applicant on May 16, 2002 and will expire on January 31, 2009.
2. On May 3, 2006, the applicant applied for licensure to practice medicine and surgery in the state of Wisconsin.
3. Upon review of Dr. Yurcek's license application, it was determined that he had been the subject of peer review during the course of his hospital practice at Lakeview Hospital in Paw Paw, Michigan and that a notification had been filed with National Practitioner Databank (NPDB).

4. In addition, a complaint had been referred by the facility to the Department of Community Health, Bureau of Health Professions.
5. The National Practitioner Data Bank (NPDB) Adverse Action Report (DCN #550000003965306) was dated October 13, 2005.
6. The complaint before the Michigan Bureau of Health (File No. 43-06-10053) was opened on January 26, 2006, and is currently in administrative review.
7. Due to the fact that Dr. Yurcek resigned his position at Lakeview Hospital prior to completion of the facility's peer review process, a final determination on his privileges was not made.
8. As a result of the NPDB adverse action report, the applicant was required to appear before the Wisconsin Medical Examining Board for oral examination. This examination was conducted on August 16, 2006.
9. Following his appearance before the Wisconsin Medical Examining Board, the applicant was requested to provide additional information regarding the circumstances of the adverse action report and his practice at Lakeview Hospital.
10. Upon further review of the additional information submitted, the Wisconsin Medical Examining Board determined that a non-disciplinary limited medical license would be granted to the applicant and that upon full compliance with the terms of his limited license, the applicant would be eligible to receive full licensure.

#### CONCLUSIONS OF LAW

The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to §448.06(1)(m), Wis. Stats. and § 227.01, Wis. Stats.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted and that the applicant James C. Yurcek, M.D., shall be granted a non-disciplinary limited license to practice medicine and surgery in the state of Wisconsin, pursuant to the following terms and conditions.

#### PRACTICE LIMITATIONS

**1. Proctoring Required**

The applicant shall be proctored on-site by another licensed physician for twenty-five (25) surgical cases (excluding endoscopies). The total number of proctored surgeries shall include ten (10) abdominal surgeries. The employer shall submit quarterly reports to the Wisconsin Medical Examining Medical Board regarding the outcome of the applicant's proctoring.

**2. Annual Review Required**

At the end of one year of practice, the employer shall submit a report regarding any internal evaluation or review of the applicant's work performance. This report shall be provided to

the Wisconsin Medical Examining Board within thirty (30) days after the end of the first year of the applicant's practice.

**3. Results of Michigan Bureau of Health Investigation**

The applicant shall furnish a copy of the results of the current investigation by the Michigan Department of Community Health, Bureau of Health Professions, as soon as the final results are available.

**4. Reporting Required**

The applicant shall arrange for all reports required under the terms of this order to be submitted to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935. The Department Monitor is designated by the Wisconsin Medical Examining Board as its agent to coordinate the applicant's compliance with the terms of this order, including receiving and coordinating all reports and petitions. The Department Monitor may be reached as follows:

Department Monitor  
Department of Regulation Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935  
FAX (608) 266-2264  
TEL. (608) 267-3817  
[department.monitor@drl.state.wi.us](mailto:department.monitor@drl.state.wi.us)


**5. Petition for Removal of Limitations**

After one (1) year of continuous active professional practice under the terms of this order, the applicant may petition the Wisconsin Medical Examining Board to remove the limitations upon his medical license and to issue to him a full unrestricted license.

**If information is received indicating that the applicant has violated the terms of this order or has received unfavorable proctoring results, or that the state of Michigan has taken adverse action against his medical license, the Wisconsin Medical Examining Board may, without further hearing or notice, suspend or revoke the applicant's license until such time as compliance has been gained. In the alternative, additional conditions and limitations or other discipline may be imposed upon the applicant for violation of any of the terms of this order.**

This order granting a limited license shall become effective upon the date of its signing.

STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

  
Sujatha Kailas, M.D.  
Secretary of the Board

10/3/06  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE  
APPLICATION FOR LICENSURE TO  
PRACTICE MEDICINE AND SURGERY

STIPULATION TO ORDER  
GRANTING LIMITED LICENSE


JAMES J. YUREK, M.D.,  
APPLICANT.

IT IS HEREBY STIPULATED by and between the applicant, James J. Yurcek, M.D., and the undersigned, Colleen M. Baird, Legal Counsel for the Wisconsin Medical Examining Board, as follows:

1. This Stipulation is entered into as a result of Dr. Yurcek's application for licensure to practice medicine and surgery in the state of Wisconsin.
2. The applicant agrees to the adoption of the attached Final Decision and Order by the Board which shall result in the issuance of a non-disciplinary limited medical license.
3. The parties consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.
4. The applicant waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. The applicant is informed that should the Board adopt this stipulation, the attached final decision and order of the Board is a public record and will be published on the Department's website.
6. The applicant is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice before signing this stipulation.

  
JAMES J. YURCEK, M.D.  
Applicant

10/2/06  
Date

  
COLLEEN M. BAIRD, J.D.  
Legal Counsel

10/3/06  
Date