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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
 : FINAL DECISION AND ORDER
 : LS0907151MED
RICHARD P. DAY, M.D. :
 :
 :

[DOE Case # 06 MED 275]

The parties to this proceeding for purposes of Wis. Stat. 227.53 are:

Richard P. Day, M.D.
1626 Baker Ave.
Madison, WI. 53705

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. Richard P. Day, M.D., (DOB November 27, 1950) is duly licensed to practice medicine and surgery in the state of Wisconsin under license # 26768. This license was first granted on July 1, 1985.
2. Dr. Day's most recent address on file with the Wisconsin Medical Examining Board is 1626 Baker Ave., Madison, WI 53705.
3. Dr. Day's registration to practice medicine and surgery in the State of Wisconsin under his current license was renewed by the Department in October 2007 and will remain active until October 31, 2009.
4. As of July 17, 2009, Dr. Day will retire from the practice of medicine. Such retirement was anticipated prior to negotiation of the resolution to this matter.
5. An investigation is pending before the Medical Examining Board, under file number 06 MED 275, which

involves allegations that Dr. Day provided oxycodone to four separate patients on numerous occasions for treatment of chronic pain without proper documentation of the medical basis for the prescribing, without adequate monitoring of the medications and without referral for evaluation of and possible additional treatment for the patients' underlying conditions. The Medical Examining Board has made no findings with regard to the allegations contained in the pending investigation.

6. In the interest of resolving this matter and in consideration of his pending retirement, Dr. Day agrees not to reregister to practice medicine and surgery in the State of Wisconsin any time after October 31, 2009, and will not exercise his rights to practice medicine and surgery in the State of Wisconsin in the interim between the date of this Order and October 31, 2009. Dr. Day further agrees not to register or attempt to register to practice medicine and surgery at any time in the future.

7. There have been no findings of any violations at this time and this order does not constitute a disciplinary action with regard to Dr. Day's license.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. 448.02(3), 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 the Stipulation of the parties is hereby accepted.

IT IS FURTHER ORDERED that:

1. Richard P. Day, M.D., will not engage in the practice medicine at any time between the July 17, 2009 and October 31, 2009.
2. That the license status of Richard P. Day, M.D., will change from active to inactive on November 1, 2009.
3. That Richard P. Day shall not register or attempt to register for an active license to practice medicine and surgery in the State of Wisconsin after October 31, 2009. Any attempt by Richard P. Day, M.D. to renew his registration to practice medicine and surgery in the State of Wisconsin will be summarily denied and Richard P. Day, M.D. will not have a right to a hearing on the denial of his application for such registration.
4. The pending investigation, 06 MED 275 is closed without further proceedings.

IT IS FURTHER ORDERED that 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 to practice medicine and surgery. The Board, in its discretion, may in the alternative impose additional conditions and limitations for a violation of any of the terms of this Order.

IT IS FURTHER ORDERED that this Order is effective on July 15, 2009.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

BY: Gene Musser MD
A Member of the Board

7/15/09
Date