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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
RICK L. PERKINS, M.D.,	:	
RESPONDENT.	:	LS0908281 MED

Division of Enforcement Case No. 06 MED 235

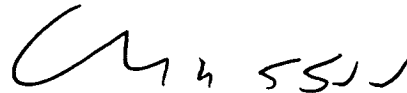
The State of Wisconsin, Medical Examining Board, having considered the above-captioned matter and having reviewed the record and the Order to Dismiss of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Order to Dismiss annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Medical Examining Board.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 17 day of March, 2010.



Member
Medical Examining Board



Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

In the Matter of the Disciplinary Proceedings
Against **RICK L. PERKINS, M.D.**, Respondent

ORDER TO DISMISS
DHA Case No. DRL-09-0090

[Division of Enforcement Case No. 06 MED 235]

TO: Attorney Guy DuBeau
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Madison, WI 53701-1767

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Division of Enforcement
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Background

On January 18, 2010, the Division of Enforcement filed a Motion to Dismiss the above-referenced matter on the grounds that the action is untimely pursuant to the applicable statute of limitations. On that same date, counsel for the Respondent informed the undersigned, via electronic mail, that the Respondent does not object to and agrees with the motion to dismiss.

Discussion

Pursuant to Wis. Stat. § 448.02 (3)(cm), the Wisconsin Medical Examining Board may initiate disciplinary action against a physician no later than three years after initiating an investigation of an allegation, unless a specific extension of time has been determined to be necessary. In this case, the matter was opened for investigation on August 24, 2006.

Disciplinary proceedings are deemed to have commenced when the hearing notice is filed with the disciplinary authority office or with a designated administrative law judge. Wis. Admin. Code § RL 2.04. Here, the hearing notice was filed on August 28, 2009.

The disciplinary action in this case was not initiated within three years of initiation of the investigation. Thus, this action is untimely under the statute of limitations and dismissal is appropriate.

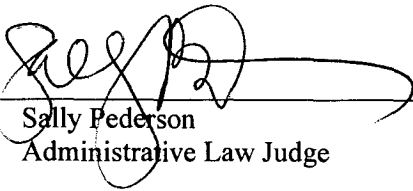
Order

For the reasons stated, this matter is hereby dismissed.

Dated at Madison, Wisconsin on January 20, 2010.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 264-9885

By: _____


Sally Pederson
Administrative Law Judge