

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTOR EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

: ORDER DENYING
: REMOVAL OF LIMITATIONS
:

FRANK LANCE BIFULK,
RESPONDENT.

:
: LS 0609281 FDR
:

TO: Frank Lance Bifulk
c/o Attorney G. Brian Brophy
Sipsma Hahn Brophy
701 East Washington Avenue
Madison, Wisconsin 53703

Department Monitor
Division of Enforcement
Department of Safety & Professional Services
1400 East Washington Avenue
Madison, Wisconsin 53703

PROCEDURAL HISTORY

On September 28, 2006, for the reasons stated in the Final Decision and Order in this matter, the Funeral Director Examining Board reprimanded Respondent Frank Lance Bifulk, and limited his license (# 77-4951), requiring that he receive mental health treatment and arrange for his treatment provider(s) to submit quarterly reports of his progress to the Department Monitor. Respondent was further ordered to pay costs of the proceeding in the amount of \$3,500.00 within 120 days of the Order. The limitations on Respondent's license were to continue for at least six months and until Respondent could file a petition for full reinstatement that was accompanied by statements from his treating professionals fully supporting the petition. The treating professionals' statements were to indicate that Respondent had progressed sufficiently to permit a professional opinion from the treater that the limitations on Respondent's license could be removed.

On August 4, 2009, the Board denied Respondent's first petition for full reinstatement of licensure because it was not accompanied by any treatment professional's statement supporting full reinstatement. The Board ordered Respondent to submit appropriate written statements from both Drs. Bleak and Ferguson with any subsequent reinstatement petition.

On March 1, 2012, Respondent, by Atty. G. Brian Brophy, petitioned the Board for full reinstatement of his funeral director license. Respondent's petition was accompanied by a letter in support thereof from Dr. Bleak only. The Funeral Director Examining Board reviewed Respondent's petition at its March 21, 2012 meeting, and based upon the record presented, makes the following:

FINDINGS OF FACT

1. Respondent did not provide a letter from Dr. Ferguson as required by the August 4, 2009 Order.
2. That the information submitted was not sufficient to allow the Board to adequately consider the appropriateness of removing the limitations.

CONCLUSIONS OF LAW

1. By the conduct described in Finding of Fact 1, Respondent has failed to comply with all the terms and conditions of current Board Orders.
2. Failure to comply with a board order constitutes unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(17).

ORDER

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for full licensure is DENIED until he is in full compliance with all current Board Orders.

IT IS FURTHER ORDERED THAT Respondent must provide current releases which comply with state and federal laws authorizing release of reports to the board, and permitting the treating professional(s), to wit: Drs. Bleak and Ferguson, to disclose and discuss the progress of Mr. Bifulk's treatment with each other, with the Board or any member thereof, or with the Department Monitor. Said authorizations shall be submitted to the Department Monitor.

IT IS ALSO ORDERED THAT the Board will not consider a future petition for full licensure until Respondent has satisfied the Board's requirements, as stated above.

This order is effective as of March 21, 2012.

Wisconsin Funeral Director Examining Board

By: B. A. Mattsson, on behalf of
Member of the Board

Date: 4-3-12