

## 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 DISCIPLINARY  
PROCEEDINGS AGAINST**

**ORDER DENYING  
MOTION FOR  
RECONSIDERATION**

**LS0707201MED**

**FRANK J. SALVI, M.D.  
RESPONDENT.**

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TO: FRANK J. SALVI, M.D.  
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**PROCEDURAL HISTORY**

On September 16, 2009, the Medical Examining Board (MEB) issued a Final Decision and Order suspending the license to practice medicine and surgery of Frank J. Salvi, M.D., (#20-34667), for a period of five (5) years subject to a conditional stay of suspension, provided that he complies with the terms and conditions specified in the order. On March 25, 2010, the circuit court issued a decision reversing the MEB's order. The Wisconsin Court of Appeals reversed the circuit court's decision affirmed and reinstated the decision of the MEB. The Respondent filed a petition for review to the Wisconsin Supreme Court. The petition was declined. Now having exhausted his judicial appeal rights, the Respondent requests the MEB to reconsider and vacate its Order.

**DISCUSSION**

A petition for rehearing under Wis. Stat. § 227.49(3) will be granted only on the basis of a material error in fact, a material error of law, or newly discovered evidence sufficient to warrant reversal or modification of the Order which could not have been previously discovered by due diligence. A petition for rehearing shall be filed 20 days after service of a final order.<sup>1</sup> The Court of Appeals affirmed that there was no error of material law or fact in the Board's decision and Respondent has not submitted any new evidence which is sufficiently strong to reverse or modify the Board's order. The MEB does not find good cause to reopen the disciplinary proceeding, as the Respondent suggests, by conducting a rehearing or a *de novo* review of the findings of fact or conclusions of law that has already been determined by the Administrative Law Judge and affirmed by Court of Appeals.

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<sup>1</sup> The Final Decision and Order in this case was issued by the Board on September 16, 2009 and served on September 17, 2009. Even assuming the effective date of the order were deemed to be tolled during the appeal, the Circuit Court decision affirming the MEB's decision was dated and filed on September 1, 2011. The Wisconsin Supreme Court issued its order on February 27, 2012, declining review of the Court of Appeals decision. Thus, under either the original date of the MEB order or the conclusion of the appeals, the petition is not timely.

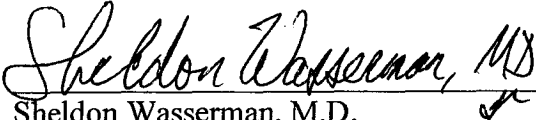
The information of record, and statement of the Respondent at the oral argument in support of the motion for reconsideration, indicates that Respondent is not in compliance with the terms and conditions of the MEB's Order. Respondent has not undergone the required psychological evaluation, has not submitted evidence of compliance with the conditions and limitations of the Board's order and has not established his fitness to practice safely. Absent proof of compliance or a meaningful basis upon which to modify any of the terms and conditions of the order, which were intended to achieve the purposes of professional discipline, promote the rehabilitation of the licensee, protect the public, and to deter other licensees from engaging in similar conduct, the MEB now finds and makes the following:

**ORDER**

NOW, THEREFORE, IT IS ORDERED that the request that the Medical Examining Board reconsider and vacate its Final Decision and Order dated September 16, 2009 in the Matter of Disciplinary Proceedings Against Frank J. Salvi, M.D. (lic.# 20-34667) is hereby DENIED.

IT IS FURTHER ORDERED that the Respondent's license shall remain SUSPENDED until such time that he submits proof of acceptable compliance with the terms and conditions of the MEB's order.

WISCONSIN MEDICAL EXAMINING BOARD

  
Sheldon Wasserman, M.D.  
Chair

6-22-12  
Date