

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE PETITION FOR :
SUMMARY SUSPENSION AGAINST :
 : DLSC Case No. 12 MED 288
ANGELINA M. MONTEMURRO, M.D., :
RESPONDENT. :

ORDER 2139

ORDER OF SUMMARY SUSPENSION

The Petition for Summary Suspension of December 4, 2014 was noticed to be presented at 8:15 a.m. or as soon thereafter as the matter could be heard, on December 17, 2014. At that time, Attorney Joost Kap appeared for the Petitioner, Department of Safety and Professional Services, Division of Legal Services and Compliance. The Respondent did not appear.

The Wisconsin Medical Examining Board (Board), having considered the sworn Petition for Summary Suspension with exhibits; the December 4, 2014 Affidavit of Michelle Schram; the December 8, 2014 Affidavit of Service of Notice of Presentation and Petition for Summary Suspension of Beth Cramton certifying that a true and accurate copy of the Notice of Presentation of Petition for Summary Suspension, Petition for Summary Suspension with exhibits, and Affidavit of Michelle Schram were served on Respondent, and having heard the arguments of counsel, hereby makes the following:

FINDINGS OF FACT

1. Respondent Angelina M. Montemurro, M.D., (dob July 21, 1958), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 27740-20, first issued on July 1, 1986, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3717 13th Street, Kenosha, Wisconsin 53144.
2. On September 5, 2014, the Department filed a Petition for Mental Examination with supporting Exhibits A-F (September Petition).
3. On September 18, 2014, the Board granted the September Petition and entered an Order for Mental Examination of Respondent (September Order).
4. The September Order in part requires that:

Within 30 days of the date of the Order, Respondent Angelina M. Montemurro, M.D., shall provide the Department Monitor with proof that she has scheduled a comprehensive neuropsychological examination and a comprehensive psychiatric examination by a professional preapproved by the Board or its designee, and will undergo the evaluations

as soon as possible, but not more than 15 days thereafter. Respondent shall, within 10 days of scheduling the examinations, inform the Department Monitor of the facility, contact information and dates during which the examinations will occur.

5. The September Order mandates other terms of the examinations once they are scheduled with pre-approved examiners, and concludes that a “violation of any of the terms of the Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license.”

6. Respondent sought relief from the September Order by requesting waiver of all examination costs, as well as additional time to comply. On October 20, 2014, the Board:

- a. Denied Respondent’s request for waiver of examination costs;
- b. Denied Respondent’s request for an extension of the compliance deadline;
- c. Appointed a designee responsible for preapproving the professional(s) to perform the neuropsychological and psychiatric examinations;
- d. Ordered that Respondent shall communicate with the Department Monitor to determine which professionals are preapproved by the designee and the designee will not communicate directly with Respondent; and
- e. Ordered that the terms of the September Order remain in effect.

7. All of the deadlines imposed by the September Order have passed.

8. As of the date of this order, Respondent has not provided the Department Monitor with proof that she has scheduled a comprehensive neuropsychological examination and a comprehensive psychiatric examination by a professional preapproved by the Board or its designee, and she has not provided the Department Monitor with information regarding the facility, contact information and dates during which the examinations will occur, all as required by the September Order. By her failure to comply with these requirements, Respondent also has not and cannot comply with the other terms of the September Order.

9. Respondent Angelina M. Montemurro, M.D., by violating the September Order as described above, has committed unprofessional conduct under Wis. Admin. Code § 10.03(1), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

10. Based upon the above findings of fact contained in paragraphs 1 through 9, there is probable cause to believe that the Respondent has committed unprofessional conduct and that it is necessary to suspend the Respondent’s license, immediately, to protect the public health, safety, or welfare.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3) and has authority to summarily suspend the license and registration of Respondent Angelina M. Montemurro, M.D., to practice medicine and surgery in the state of Wisconsin, pursuant to Wis. Stat. § 448.02(4) and Wis. Admin. Code ch. SPS 6.

2. Notice has been given to Respondent Angelina M. Montemurro, M.D., under Wis. Admin. Code § SPS 6.05.

3. Based on the sworn Petition For Summary Suspension with exhibits, and the Affidavit of Michelle Schram, there is probable cause to believe that unprofessional conduct has occurred as set forth in the Findings of Fact, and it is necessary to suspend the license and registration of Respondent Angelina M. Montemurro, M.D., immediately to protect the public health, safety or welfare.

ORDER

1. The license and registration of Respondent Angelina M. Montemurro, M.D., to practice medicine and surgery in the state of Wisconsin is summarily suspended until Respondent fully complies with the September Order and the Board has sufficient opportunity to review the results of the examinations and is satisfied that Respondent can safely practice medicine, or until the effective date of a final decision and order issued in any disciplinary proceeding against Respondent, unless otherwise ordered by the Board.

2. Respondent Angelina M. Montemurro, M.D., is hereby notified of her right, pursuant to Wis. Admin. Code § SPS 6.09, to request a hearing to show cause why this summary suspension order should not be continued and is further notified that any request for a hearing to show cause should be filed with the Wisconsin Medical Examining Board, 1400 East Washington Avenue, Post Office Box 8366, Madison, Wisconsin 53708-8366.

3. In the event that Respondent Angelina M. Montemurro, M.D., requests a hearing to show cause why the summary suspension should not be continued, that hearing shall be scheduled to be heard on a date within 20 days of receipt by the Board of Respondent's request for hearing, unless Respondent requests or agrees to a later time for the hearing.

WISCONSIN MEDICAL EXAMINING BOARD

By: Kenneth Smoos, MD
A Member of the Board

December 18, 2014
Date