

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
DAVID A. VAN DE LOO, M.D., :
RESPONDENT. :

ORDER 000 3321

Division of Legal Services and Compliance Case Nos. 12 MED 316 and 13 MED 151

The parties to this action for the purposes of Wis. Stat. § 227.53, are:

David A. Van De Loo, M.D.
c/o Mayo Clinic Health System
1400 Bellinger Street
Eau Claire, WI 54703

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

Wisconsin Medical Examining Board
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

On July 16, 2014, the Wisconsin Medical Examining Board (Board) issued a Final Decision and Order in this matter. To properly reflect the agreement of the parties, the Board rescinds the July 16, 2014 Final Decision and Order and adopts the following Final Decision and Order in this matter. The parties agree to the terms and conditions of the attached Stipulation to this order in resolution of 12 MED 316 and 13 MED 151, subject to the approval of the Board. The Board has reviewed the Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent, David A. Van De Loo, M.D., (dob September 18, 1952) is licensed in the State of Wisconsin to practice medicine and surgery, having license number 20-35288, first issued on April 8, 1994, with registration currently SUSPENDED as of October 17, 2012 and EXPIRED as of October 31, 2013. Respondent's most recent address on file with the Board is c/o Mayo Clinic Health System, 1400 Bellinger Street, Eau Claire, WI 54703, but his current address is 3805 Patton Street, Eau Claire, WI 54701.

2. On September 12, 2012, the Department of Safety and Professional Services, Division of Legal Services and Compliance (Department) opened investigation 12 MED 316 on behalf of the Board, based on allegations that Respondent had inappropriate sexual contact with Patient A, a 16 year-old boy. Patient A alleged that during a routine physical exam, Respondent inappropriately touched Patient A's genitals.

3. Respondent voluntarily agreed to a suspension of his medical license pursuant to the terms of Amended Interim Order 0002093, entered by the Board on October 17, 2012 and which remains in effect.

4. On December 12, 2012, the State of Wisconsin filed an Amended Criminal Complaint in Eau Claire County Case No. 12-CF-757, which charged Respondent with 15 felony counts, including: Sexual Assault Of A Child Under 16 Years Of Age; Sexual Assault Of A Child Under 13 Years Of Age; 1st Degree Child Sexual Assault – Contact With A Child Under Age 13; 2nd Degree Sexual Assault By Employee Of Entity; and Exposing Genitals Or Pubic Area. The charges were based on a 13-page "Probable Cause" statement detailing the allegations that on various occasions between 2000 and 2012, Respondent had inappropriate sexual contact with Patient A and 13 other male patients, all with birth dates ranging from 7/21/85 to 10/21/99.

5. On January 15, 2013, the State of Wisconsin filed a Second Amended Criminal Complaint in 12-CF-757. In addition to the charges described above, the Second Amended Criminal Complaint charged Respondent with an additional count relating to another young male patient who alleged that Respondent had inappropriate sexual contact with him.

6. On June 18, 2013, the Department opened investigation 13 MED 151 on behalf of the Board, based on the existence of 12-CF-757.

7. In the course of investigating 12 MED 316 and 13 MED 151, the Department gathered law enforcement reports, pleadings and other documents related to 12-CF-757, patient and witness interviews, medical records and reports including those prepared by retained medical experts.

8. On February 6, 2014, subsequent to an 11-day trial, the jury empanelled to hear 12-CF-757 returned a verdict of Not Guilty on 14 of the 16 counts against Respondent. The jury failed to reach a verdict on the 2 remaining counts.

9. Respondent disputes the allegations of inappropriate sexual contact, but chooses to resolve 12 MED 316 and 13 MED 151 by way of this order and the attached stipulation.

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 pursuant to Wis. Stat. §§ 227.44(5) and 448.02(5).

ORDER

1. The attached Stipulation is accepted.
2. The PERMANENT SURRENDER by Respondent, David A. Van De Loo, M.D., of his license to practice medicine and surgery in the state of Wisconsin (license no. 20-35288) is hereby accepted, and the interim suspension in effect since October 17, 2012 is terminated.
3. Respondent waives his right to petition for reinstatement at any time under any circumstances.
4. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By: Kenneth Simons, MD
A Member of the Board

7-28-14
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

DAVID A. VAN DE LOO, M.D.,
RESPONDENT.

STIPULATION

0003321

Division of Legal Services and Compliance Case Nos. 12 MED 316 and 13 MED 151

Respondent David A. Van De Loo, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of the above-noted pending investigations by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:
 - the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
 - the right to confront and cross-examine the witnesses against Respondent;
 - the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
 - the right to testify on Respondent's own behalf;
 - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
 - the right to petition for rehearing; and
 - all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondent is aware of Respondent's right to seek legal representation and has obtained legal counsel before signing this Stipulation.
4. Respondent agrees to a permanent surrender of his license and registration to practice as a physician in the State of Wisconsin, and he waives his right to petition for reinstatement at any time under any circumstances.
5. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or


consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

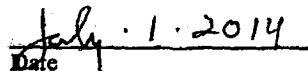
6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matters shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

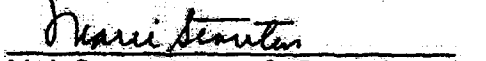
7. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

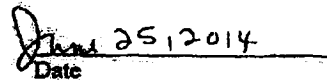
8. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

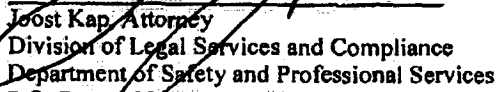
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

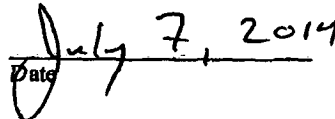

David A. Van De Loo, M.D.
3805 Patton Street
Eau Claire, WI 54701
License Number 20-35288


Date July 1, 2014


Marie Stanton, Attorney for Respondent
Hurley, Burish & Stanton, S.C.
33 East Main Street, Suite 400, P.O. Box 1528
Madison, WI 53701


Date June 25, 2014


Joost Kap, Attorney
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190


Date July 7, 2014