

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : **FINAL DECISION AND ORDER**
EDWARD M. PORTMAN, M.D., :
RESPONDENT. : **0003474**

Division of Legal Services and Compliance Case No. 14 MED 183

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

Edward M. Portman, M.D.
901 East Lake Drive
Marietta, GA 30062

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Edward Malcolm Portman, M.D., (dob July 12, 1941), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 22943-20, first issued on July 11, 1980, 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 901 East Lake Drive, Marietta, Georgia 30062. Respondent is a gynecologist, and is certified by the American Board of Obstetrics & Gynecology.

2. On April 28, 2014, the Board was informed that on July 13, 2007, the Georgia Composite State Board of Medical Examiners issued a Consent Order against Respondent for failing to conform to the minimal standard of acceptable and prevailing medical practice, in that

Respondent did not adequately document each patient's diagnosis, did not perform or did not record a detailed physical history on each patient, did not perform and/or did not provide a proper record of urine drug screens on any of the patients, did not perform and/or did not provide proper record of any diagnostic procedures which might have been done (such as x-rays or MRIs) and did not attempt to individualize treatment regimens of the patients, all of whom were being prescribed opioids for chronic pain.

3. Respondent currently has an inactive license in the state of Georgia, and has not yet completed the prescribing course required by the Georgia Board's order.

4. Respondent has retired and has not engaged in the clinical practice of medicine and surgery since 2008, but is active in researching a proprietary transdermal drug delivery system.

5. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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).

Note: All references to Wis. Admin. Code § Med 10.02(2) refer to the Code as it existed before October 1, 2013.

2. By the conduct described in the Findings of Fact, Respondent Edward M. Portman, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(q) by having adverse action taken by another jurisdiction against his license to practice medicine and surgery.

3. As a result of the above conduct, Edward M. Portman, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Edward M. Portman, M.D., is REPRIMANDED.
3. The medicine and surgery license issued to Edward M. Portman, M.D., (license number 22943-20) is LIMITED as follows:
 - a. Until otherwise ordered by the Board, Respondent shall refrain from the clinical practice of medicine in the state of Wisconsin or the clinical practice of medicine elsewhere under his Wisconsin medicine and surgery license. The clinical practice of medicine is the examination, diagnosis or treatment of individual

patients or consultation for the same. Respondent may continue to conduct his ongoing research and development of a transdermal drug-delivery system.

- b. Respondent may petition the Board for permission to practice under his Wisconsin license at any time. In conjunction with any such petition, the Board may: i.) Require the Respondent to provide proof that he is able to safely and competently practice; ii.) Require evidence of the status of his license in other jurisdictions; iii.) Require a personal appearance by Respondent to answer questions in conjunction with the petition; and, iv.) If the petition is granted, impose such terms, conditions and limitations as the Board in the exercise of its discretion finds appropriate to safeguard the public health, safety and welfare.

4. Within 90 days from the date of this Order, Edward M. Portman, M.D., shall pay COSTS of this matter in the amount of \$150.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered, Respondent's license (no. 22943-20) may, in the discretion of the Board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with payment of costs.

7. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board

October 15, 2014
Date

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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

EDWARD M. PORTMAN, M.D.,
RESPONDENT.

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:
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:
:

STIPULATION

0003474

Division of Legal Services and Compliance Case No. 14 MED 183

Respondent Edward M. Portman, 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 a pending investigation 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 been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. 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.

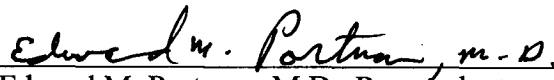
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.


6. 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.

7. 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.

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


Edward M. Portman, M.D., Respondent
901 East Lake Drive
Marietta GA 30062
License no. 22943-20

9/24/14
Date


Arthur Thexton, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

10/1/14
Date