

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

PERRY T. RUIZ,
RESPONDENT.

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:
:

ADMINISTRATIVE INJUNCTION

0003479

Division of Legal Services and Compliance Case No. 14 UNL 41

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

Perry T. Ruiz
2563 South 91st Street
West Allis, Wisconsin 53227

Wisconsin Department of Safety and Professional Services
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Wisconsin 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 Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Perry Tate Ruiz (date of birth November 26, 1970) is not and has never been licensed as a physician in the State of Wisconsin.
2. Respondent has engaged in a business of obtaining injectable vitamins from a supply house, and injecting these vitamins into the bodies of customers, upon request, for compensation.
3. In most cases, there is no prescription or order from an authorized prescriber, authorizing such injection.

4. The vials containing the vitamins are clearly labeled as being prescription-only.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21, and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. Respondent has engaged in the practice of medicine and surgery without a credential in violation of Wis. Stat. § 448.03(1)(a), because his conduct involves penetration of the tissue of a human being, which is the practice of medicine and surgery as defined by Wis. Stat. § 448.01(9)(c) which states: "To penetrate, pierce or sever the tissues of a human being."

3. By administering a prescription-only substance, without an order from an authorized prescriber, Respondent's actions constitute the practice of medicine and surgery pursuant to Wis. Stat. § 448.01(9)(a): "To examine into the fact, condition or cause of human health or disease, or to treat, operate, prescribe or advise for the same, by any means or instrumentality."

4. Respondent's conduct is not, pursuant to Wis. Stat. § 448.03(2), exempt from the requirement that he possess a license to practice medicine and surgery.

5. The conduct described above constitutes the unlicensed practice of medicine and surgery, contrary to Wis. Stat. § 448.03(1)(a).

ORDER

1. The attached stipulation is accepted.

2. Unless and until Respondent is properly licensed as a physician by the Wisconsin Medical Examining Board, Respondent is enjoined and prohibited from the practice of medicine and surgery in the State of Wisconsin. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. *See* Wis. Stat. § 440.21(4)(a).

3. This order does not prohibit Respondent from accepting delegation pursuant to Wis. Stat. § 448.03(2)(e).

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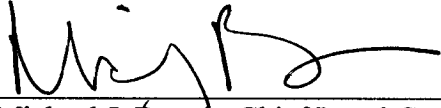
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4. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer the violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

Issued at Madison, Wisconsin, this 16th day of October, 2014.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 

Michael J. Berndt, Chief Legal Counsel
On behalf of the Department

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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF A PETITION FOR AN :
ADMINISTRATIVE INJUNCTION INVOLVING :

PERRY T. RUIZ, :
RESPONDENT. :

STIPULATION

0003479

Division of Legal Services and Compliance Case No. 14 UNL 41

Respondent Perry Tate Ruiz, 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. Respondent is represented by Godfrey, Braun & Frazier, LLP.


4. Respondent agrees to the adoption of the attached Final Decision and Order of Injunction by the Department. 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 Department's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department 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 for the Department of Safety and Professional Services may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.

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

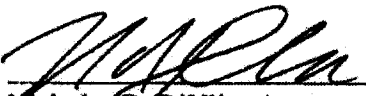
8. The Division of Legal Services and Compliance joins Respondent in recommending the Department adopt this Stipulation and issue the attached Final Decision and Order.



Perry T. Ruiz, Respondent
2563 South 91st Street
West Allis, Wisconsin 53227

10/15/14

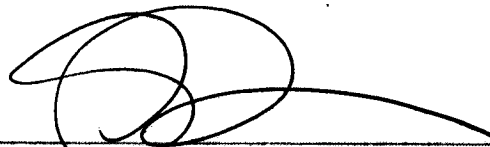
Date



Nicholas R. DiUlio, Attorney for Respondent
Godfrey, Braun & Frazier, LLP
735 N Water St Ste 1600
Milwaukee WI 53202-4106

10/16/14

Date



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

10/16/14

Date