

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
JAMES R. FLETCHER, M.D., :  
RESPONDENT. :

000363<sup>4</sup>

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Division of Legal Services and Compliance Case No. 14 MED 162

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

James R. Fletcher, M.D.  
11 Nehemiah Road  
Shirley, MA 01460

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 Wisconsin 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 James R. Fletcher, M.D., (dob December 5, 1947) is licensed in the State of Wisconsin to practice medicine and surgery, having license number 29796-20, first issued on September 23, 1988, 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 11 Nehemiah Road, Shirley, Massachusetts 01460.

2. Respondent is a psychiatrist, and has also been licensed to practice medicine in Massachusetts (resigned), New York (inactive), Connecticut (inactive), and California (retired).<sup>1</sup>

3. This matter stems from an investigation by the Massachusetts Board of Registration in Medicine (MA Board) of allegations involving quality of care issues and concerns regarding Respondent's mental fitness to practice medicine. The full allegations are set out in documents provided by the MA Board, which are in the Department's file for this matter.

4. Respondent denies the allegations and the Board has not determined their validity.

5. On April 11, 2014, Respondent and the MA Board entered into a Voluntary Agreement Not To Practice Medicine, a non-disciplinary order by which Respondent agreed to immediately stop practicing medicine in Massachusetts while the MA Board's investigation of the allegations against Respondent was pending.

6. On October 20, 2014, Respondent agreed to permanently resign his license to practice medicine in Massachusetts, which the MA Board accepted on November 5, 2014.

7. 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).

2. By the conduct described in the Findings of Fact, Respondent James R. Fletcher, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.03(3)(c)(Oct. 2013) by having adverse action taken by another jurisdiction against his license to practice medicine and surgery.

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

#### ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license by James R. Fletcher, M.D., (license no. 19796-20) to practice medicine and surgery in the state of Wisconsin, and the right to renew that license, is hereby accepted, effective the date of this Order.

3. In the event that Respondent petitions the Wisconsin Medical Examining Board for re-instatement to practice medicine and surgery in the future, the Board may enter an order denying such application without further notice or hearing and may in its full discretion require

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<sup>1</sup> License status designations are as indicated on respective board websites.

any inquiry, evaluation, or other conditions prior to considering Respondent's petition for re-licensure. Whether to grant Respondent a license and whether to impose any limitations or restrictions on any license granted shall be in the full discretion of the Board.

4. If Respondent ever seeks any license under Wis. Stat. chs. 440-480, he shall as a prerequisite to application pay COSTS of this matter in the amount of \$855.58. If Respondent never again seeks licensure in Wisconsin, the Department waives the above-stated costs.

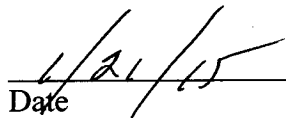
5. If applicable, payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

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

WISCONSIN MEDICAL EXAMINING BOARD

by:   
A Member of the Board

  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JAMES R. FLETCHER, M.D.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

0003634

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Division of Legal Services and Compliance Case No. 14 MED 162

Respondent James R. Fletcher, 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. Respondent has retained Attorney Roger Cox to represent him in this matter.


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.

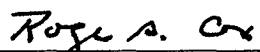
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

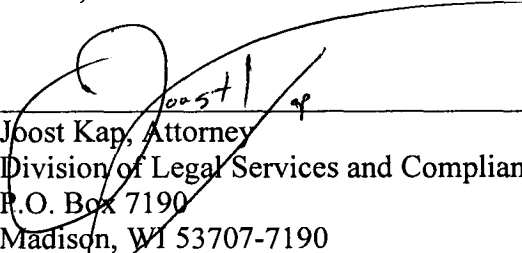
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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James R. Fletcher, M.D., Respondent  
11 Nehemiah Road  
Shirley, MA 01460  
License no. 29796-20

12/15/2014  
\_\_\_\_\_  
Date

  
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Roger A. Cox, Attorney for Respondent  
Cox & Cox  
350 Greater Butler Mart  
Butler, PA 16001-3284

12/11/14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Joost Kap, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

1/6/15  
\_\_\_\_\_  
Date