

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

RICK L. PERKINS, M.D.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:
:

00039 10

Division of Legal Services and Compliance Case No. 12 MED 002

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

Rick L. Perkins, M.D.
953 Lemonweir Parkway
Tomah, WI 54660

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 Rick L. Perkins, M.D., (dob October 20, 1954), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 33903-20, first issued on November 19, 1992, 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 953 Lemonweir Parkway, Tomah, Wisconsin 54660.

2. On February 18, 2015, in Portage County Circuit Court, Respondent pled no contest to eleven counts of violations of Wis. Stat. § 450.11(7)(a), obtaining a prescription drug by fraud, among other charges.

3. Respondent neither admits nor denies the allegations, but has elected to resolve this case by stipulation. In resolution of this matter, Respondent consents to 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. Under the circumstances of this case, Wis. Stats. § 450.11(7)(a) is a law the circumstances of which are substantially related to the practice of medicine.

3. By the conduct described in the Findings of Fact, Respondent Rick L. Perkins, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(i) by violation or conviction of any laws or rules of this state, or of any other state, or any federal law or regulation that is substantially related to the practice of medicine and surgery.

4. By the conduct described in the Findings of Fact, Respondent Rick L. Perkins, M.D. engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(e) by unlawfully administering, dispensing, prescribing, supplying or obtaining a controlled substance as defined by Wis. Stat. § 961.01(4).

5. As a result of the above conduct, Rick L. Perkins, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of the license of Rick L. Perkins, M.D., (license no. 33903-20) to practice medicine and surgery in the state of Wisconsin and the right to renew that license is hereby accepted.

3. Respondent shall immediately surrender any Drug Enforcement Administration certificate of registration that authorizes him to prescribe controlled substances in the state of Wisconsin.

4. Respondent may not apply for reinstatement of his license to practice medicine and surgery for at least one (1) year from the date of this Order. Before the Board will consider any petition by Respondent for reinstatement of his license to practice medicine and surgery in the state of Wisconsin, Respondent must demonstrate to the satisfaction of the Board or its designee that:

- a. Respondent has satisfactorily completed the terms of his sentencing in Portage County Circuit Court case numbers 2012CF245, 2013CF42, 2013CF140, 2013CF198, 2013CF267, 2013CT246 and 2013CT247;

- b. Respondent has, for a period of at least three consecutive months, demonstrated absolute sobriety, evidenced by random toxicology screening through an approved provider;
- c. Respondent has successfully completed continuing medical education that would have been required pursuant to Wis. Stat. § 448.13 had he been licensed to practice medicine and surgery;
- d. Respondent has not engaged in unprofessional conduct as determined by a Board finding of probable cause.
- e. Respondent has paid COSTS of this matter in the amount of \$3,370.00.

5. Conditions prerequisite to reinstatement of Respondent's license should not be interpreted to mean that Respondent's license to practice medicine and surgery will be reinstated at any time in the future. The decision of whether or not to reinstate Respondent's license remains in the sole discretion of the Board.

6. Upon Respondent's reinstatement of licensure, if any, Respondent shall be subject to the terms and conditions determined by the Board's designee to be appropriate. Such conditions may include, but are not limited to: indefinite suspension, proof of professional competence, AODA assessment and treatment, peer support meetings, absolute sobriety, work reports, limitations on Respondent's access to and authorization to prescribe controlled substances and random drug testing.

7. Payments of costs, in the form of a check payable to the Department, and any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor
Wisconsin Department of Safety and Professional Services
Division of Legal Services and Compliance
1400 East Washington Ave.
P.O. Box 7190
Madison, WI 53707-7190
Fax: (608) 266-2264
Telephone: (608) 267-3817
DSPSMonitoring@wisconsin.gov

8. This Order is effective on the date signed.

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board

April 15, 2015
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RICK L. PERKINS, M.D.,
RESPONDENT.

:
:
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:
:

STIPULATION

00039 10

Division of Legal Services and Compliance Case No. 12 MED 002

Respondent Rick L. Perkins, 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 is represented by Attorney Hal Harlowe and Attorney Mario D. Mendoza of Murphy Desmond, S.C.


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 or Respondent's attorney, 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.

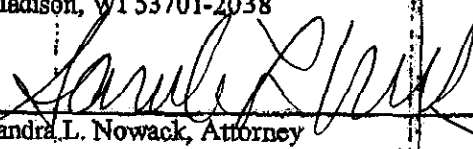
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Rick L. Perkins, M.D., Respondent
953 Lemonweir Parkway
Tomah, WI 54660
License no. 33903-20

April 2, 2015
Date


Hal Harlowe, Attorney for Respondent
Mario D. Mendoza, Attorney for Respondent
Murphy Desmond, S.C.
33 East Main Street, Suite 500
Madison, WI 53701-2038

April 3, 2015
Date


Sandra L. Nowack, Attorney
State Bar Number 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
sandra.nowack@wisconsin.gov

4/3/15
Date