

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PODIATRISTS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
ALAN L BALKANSKY, D.P.M., : FINAL DECISION AND ORDER
RESPONDENT. :

0004049

Division of Legal Services and Compliance Case No. 13 POD 011

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

Alan L. Balkansky, D.P.M.
5404A N Lovers Lane Rd
Milwaukee WI 53225

Wisconsin Podiatrists Affiliated Credentialing 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 Podiatrists Affiliated Credentialing 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 Alan L. Balkansky, D.P.M., (dob October 4, 1952), is licensed in the state of Wisconsin to practice podiatric medicine and surgery, having license number 429-25, first issued on June 15, 1979, with registration current through October 31, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5404A North Lovers Lane Road, Milwaukee, Wisconsin 53225.

2. The United States Department of Justice, in the Eastern District of Wisconsin, Case no 2:14-cv-01237-PP, has charged Respondent with multiple felonies and has alleged that

Respondent committed health care billing fraud. The charges are pending, remain as yet unproven, and Respondent has not been convicted of any crime.

3. Respondent denies the allegations but has elected to retire from the practice of podiatry.

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

CONCLUSIONS OF LAW

1. The Wisconsin Podiatrists Affiliated Credentialing Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.675, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. The voluntary and permanent SURRENDER of the license of Alan L. Balkansky, D.P.M., (license no. 429-25) to practice podiatric medicine and surgery in the state of Wisconsin, and the right to renew that license, is hereby accepted, effective November 15, 2015.

3. Respondent's surrender of his license to practice podiatric medicine and surgery constitutes permanent relinquishment of his authority to practice podiatric medicine and surgery in the state of Wisconsin.

4. On or before November 15, 2015, Respondent shall mail all indicia of licensure 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

5. Except as specified in paragraph 2 of this Order, this Order is effective on the date of its signing.

WISCONSIN PODIATRY AFFILIATED CREDENTIALING BOARD

by:


A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE PODIATRY AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ALAN L. BALKANSKY, D.P.M.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

0004049

Division of Legal Services and Compliance Case No. 13 POD 011

Respondent Alan L. Balkansky, D.P.M. 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 Linda V. Meagher.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Podiatry Affiliated Credentialing 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.

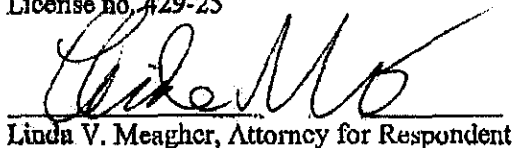
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.


Alan L. Balkansky, D.P.M., Respondent

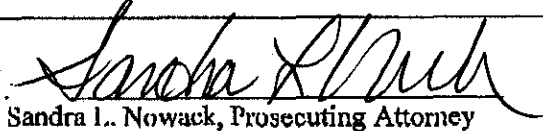
Dr. Balkansky
5404A N Lovers Lane Rd
Milwaukee WI 53225
License no. 429-25

6/4/15
Date


Linda V. Meagher, Attorney for Respondent

Gonzalez Saggio Harlan
111 W. Wisconsin Ave., Ste 1000
Milwaukee WI 53202

6/4/2015
Date


Sandra L. Nowack, Prosecuting 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

6/4/15
Date