

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

MARK S. RUTTUM, M.D.,
RESPONDENT.

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FINAL DECISION AND ORDER

0004206

Division of Legal Services and Compliance Case No. 15 MED 057

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

Mark S. Ruttum, M.D.
2055 Mount Kisco Drive
Elm Grove, WI 53122

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 Mark S. Ruttum, M.D. (dob April 20, 1950), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 21829-20, first issued on July 14, 1978, 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 2055 Mount Kisco Drive, Elm Grove, Wisconsin 53122

2. Respondent's practice specialty is ophthalmology, and at all times pertinent to this matter, Respondent provided services at a hospital in Milwaukee, Wisconsin.

3. In February 2015, the Department received an informal complaint alleging that on January 15, 2015, Respondent voluntarily surrendered his clinical privileges while under, or to avoid, investigation relating to professional competence or conduct.

4. On March 12, 2015, Respondent notified the Department that he had retired from clinical practice, and was contemplating surrendering his Wisconsin credential to practice medicine and surgery.

5. On April 14, 2015, the Division of Legal Services and Compliance (DLSC) commenced an investigation into this matter.

6. In light of Respondent's retirement from clinical practice, and desire to permanently surrender his Wisconsin credential to practice medicine and surgery, as of this date, no formal investigative efforts have been commenced.

7. Respondent neither admits nor denies failing to meet any professional code of conduct, but elects to surrender his Wisconsin license to practice medicine and surgery.

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

CONCLUSIONS OF LAW

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).

ORDER

1. The attached Stipulation is accepted.

2. The Board accepts the permanent VOLUNTARY SURRENDER of Mark S. Ruttum, M.D.'s Wisconsin license to practice medicine and surgery (license no. 21829-20) and any appurtenant right to renew that license, effective the date of this Order.

3. 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 \$245.91. If Respondent never again seeks licensure in Wisconsin, the Department waives the above-stated costs.

4. 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

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

WISCONSIN MEDICAL EXAMINING BOARD

by: *Jenneth B. Simon, MD*
A Member of the Board

August 19, 2015
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARK S. RUTTUM, M.D.,
RESPONDENT.

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STIPULATION

0004206

Division of Legal Services and Compliance Case No. 15 MED 057

Respondent Mark S. Ruttum, 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

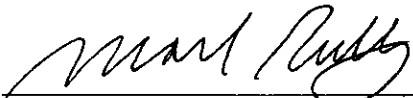
Stipulation
In re the disciplinary proceedings against
Mark S. Ruttum, M.D., Case No. 15 MED 057

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.

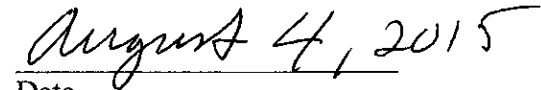
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's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

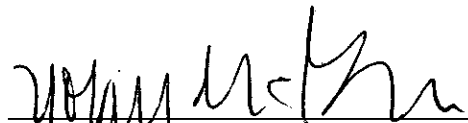
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



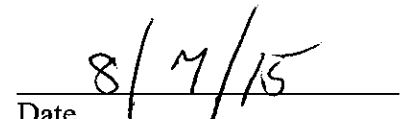
Mark S. Ruttum, M.D., Respondent
2055 Mount Kisco Drive
Elm Grove, WI 53122
License no. 21829-20



Date



Yolanda Y. McGowan, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190



Date