

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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  
JOSEPH C. FINLEY, M.D., :  
RESPONDENT. :

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**0004392**

Division of Legal Services and Compliance Case No. 15 MED 197

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

Joseph C. Finley, M.D.  
44 Polk Ct.  
Newport, RI 02840

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 the 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 Joseph C. Finley, M.D. (dob January 13, 1969), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 38695-20, first issued on April 25, 1997, with registration current through October 31, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 44 Polk Ct., Newport, Rhode Island 02840. Respondent is board certified by the American Board of Otolaryngology.

2. At all times relevant to this matter, Respondent was a Naval Officer with the Department of the Navy and stationed in Newport, Rhode Island.

3. Patient A, a twenty-five year old married female, presented to Respondent for treatment and evaluation of facial pain on December 7, 2012.

4. Respondent diagnosed Patient A with chronic sinusitis and performed a maxillary antrostomy on April 16, 2013. Respondent continued to provide care and treatment to Patient A until May 17, 2013, when she was discharged from his care.

5. On June 4, 2013, Respondent and Patient A had sexual intercourse at Respondent's home, which he admits is a violation of Wis. Admin. Code § Med 10.02(2)(zd) (Nov. 2002).

6. Following a complaint filed by Patient A, an investigation was conducted by the Department of the Navy.

7. On March 17, 2014, the Department of the Navy issued non-judicial punishment to Respondent pursuant to a Uniformed Code of Military Justice (UCMJ) Article 15 Hearing for violations of UCMJ Article 133, conduct unbecoming of an officer and a gentleman, and UCMJ Article 134, adultery. Respondent received a Punitive Letter of Reprimand.

8. Respondent has completed 52 hours of CME in Professional Boundaries and Ethics and was allowed to resume patient care under a Focused Professional Practice Evaluation.

9. Respondent has never practiced medicine in Wisconsin nor does he intend to practice medicine in Wisconsin.

10. 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 Joseph C. Finley, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(zd) (Nov. 2002) by engaging in inappropriate sexual contact with a patient.

3. As a result of the above conduct, Joseph C. Finley, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Joseph C. Finley, M.D., is REPRIMANDED.

3. The Board will recognize Respondent's completion of the CME requirements set forth in the above paragraph 8 of the Findings of Fact as satisfying the educational requirements the Board would have otherwise ordered.

4. Within 90 days from the date of this Order, Joseph C. Finley, M.D., shall pay COSTS of this matter in the amount of \$1,105.00.

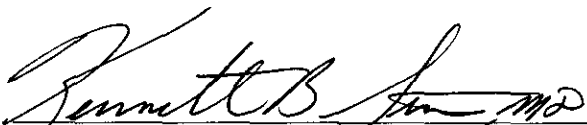
5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

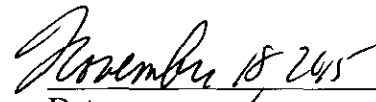
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered, Respondent's license (38695-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

7. 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

JOSEPH C. FINLEY, M.D.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

0004392

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Division of Legal Services and Compliance Case No. 15 MED 197

Respondent Joseph C. Finley, 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 Patrick F. Koenen.

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.

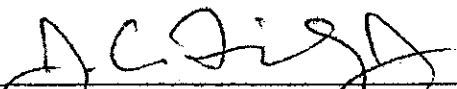
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5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. 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.

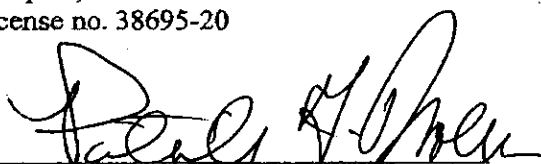
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's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

  
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Joseph C. Finley, M.D., Respondent  
44 Polk Ct.  
Newport, RI 02840  
License no. 38695-20

11/5/15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Patrick F. Koenen, Attorney for Respondent  
Hinshaw & Culbertson LLP  
100 W. Lawrence Street  
Appleton, WI 54911

11/6/15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Colleen L. Meloy, Prosecuting Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

11/6/15  
\_\_\_\_\_  
Date