

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
 :
MADELAINE T. TULLY, M.D. : FINAL DECISION AND ORDER
 : FOR REMEDIAL EDUCATION
 :

0004434

Division of Legal Services and Compliance Case No. 13 MED 251

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

Madelaine T. Tully, M.D.
2770 N. 71st Street
Milwaukee, WI 53210

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. Licensee Madelaine T. Tully, M.D., (DOB June 17, 1969) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 43526-20, first issued on July 16, 2001, with registration current through October 31, 2017. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2770 North 71st Street, Milwaukee, Wisconsin 53210. Licensee Madelaine T. Tully, M.D., is certified by the American Board of Family Medicine.

2. At all times relevant to this proceeding, Licensee was employed as a physician at a health center located in Milwaukee, Wisconsin.

3. On August 14, 2013, an investigation was commenced by the Department based upon allegations that Licensee's prescribing practice was deficient in documentation, monitoring and urine drug screening.

4. Licensee has been cooperative with the Department during its investigation.

5. The Department's investigation revealed that Licensee's prescribing practice has deficiencies in documentation, urine drug screening, and enforcement of controlled substance agreements.

6. Licensee has attended the Medical College of Wisconsin Accreditation Council for Continuing Medical Education 4th Annual Pain Conference and earned 7.0 AMA PRA Category I credits.

7. Licensee has implemented changes in her prescribing practice to address the deficiencies found by the Department, including improved documentation and increased vigilance and enforcement of controlled substance agreements.

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

9. This Order does not constitute disciplinary action.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Within six (6) months of the date of this Order, Madelaine T. Tully, M.D., shall at her own expense take and successfully complete eighteen (18) hours of Category I continuing medical education in the area of appropriate prescribing of controlled substances as follows:

a. Intensive Course in Controlled Substance Prescribing, Case Western Reserve University School of Medicine; or

Physician Prescribing Course, University of California, San Diego School of Medicine; or

Prescribing Controlled Drugs: Critical Issues & Common Pitfalls of Misprescribing, University of Florida College of Medicine, Department of Psychiatry; or

Prescribing Controlled Drugs, Vanderbilt University School of Medicine and the Center for Professional Health.

- b. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. Licensee must take and pass any exam offered for the course(s).
- c. None of the education completed pursuant to this requirement may be used to satisfy any education requirements that have been or may be instituted by the Board or Department.

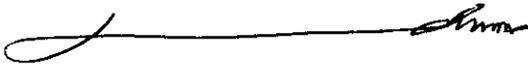
3. Within ninety (90) days from the date of this Order, Licensee shall pay COSTS of this matter in the amount of \$5441.00.

4. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Licensee 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: 

A Member of the Board

12/16/15

Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
 :
MADELAINE T. TULLY, M.D. : STIPULATION
 :

0004434

Division of Legal Services and Compliance Case No. 13 MED 251

Licensee Madelaine T. Tully, 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. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by Attorney Timothy W. Feeley of Hall Render Killian Heath & Lyman P.C.

4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order for Remedial Education without further notice, pleading, appearance or consent of the parties. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

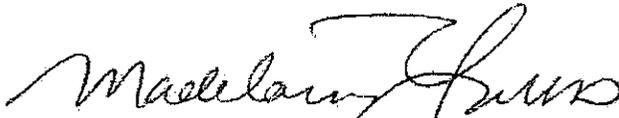
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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 Licensee, 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 for Remedial Education.

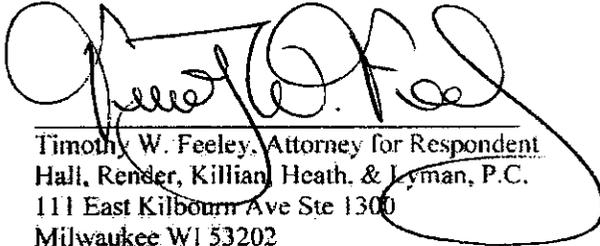
7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education is a public record and will be published in accordance with standard Department procedure.

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



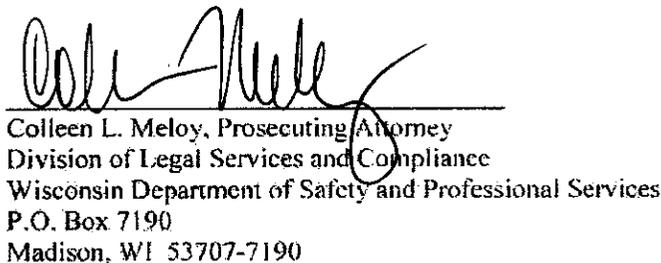
Madelaine T. Tully, M.D., Licensee
2770 N. 71st Street
Milwaukee, WI 53210
License No. 43526-20

12-8-2015
Date



Timothy W. Feeley, Attorney for Respondent
Hall, Render, Killian, Heath, & Lyman, P.C.
111 East Kilbourn Ave Ste 1300
Milwaukee WI 53202

12-8-15
Date



Colleen L. Meloy, Prosecuting Attorney
Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

12/08/15
Date