

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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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  
DAVID M. HAMMOND-KOSKEY, P.A., :  
RESPONDENT. :

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0004759

Division of Legal Services and Compliance Case No. 14 MED 308

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

David M. Hammond-Koskey, P.A.  
3720 W. Hansen Road  
Ludington, MI 49431

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 David M. Hamond- Koskey, P.A., (DOB October 2, 1953) is licensed in the state of Wisconsin to practice as a physician assistant, having license number 347-23, first issued on March 11, 1983, and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3720 W. Hansen Road, Ludington, Michigan 49431.

**Prior Case No. 05 MED 029**

2. On April 20, 2005, the Board entered a Final Decision and Order for Remedial Education (Order LS0504202MED) in resolution of case number 05 MED 029. The order cited

Respondent's failure to document prescriptions he wrote for two patients and required him to take eight credits of continuing medical education on medical record keeping and documentation.

### **Current Case No. 14 MED 308**

3. The Michigan Department of Licensing and Regulatory Affairs, Bureau of Health Care Services is the licensing authority which holds jurisdiction over physician assistants in the state of Michigan (Michigan Licensing Authority).

4. On June 6, 2014, the Michigan Licensing Authority filed an Administrative Complaint against Respondent's license to practice as a physician assistant in the state of Michigan.

5. The Administrative Complaint states that on March 20, 2014, Respondent was convicted of one felony count of Medicaid Fraud – False Claim, in Ingham County Circuit Court case number 13-001091-FH-C30. Respondent was sentenced to jail for one day, placed on probation for a period of 18 months, and ordered to pay restitution, fees and costs totaling \$1,179.99.

6. Also on June 6, 2014, the Michigan Licensing Authority issued an Order for Summary Suspension based on Respondent's felony conviction, summarily suspending Respondent's license to practice as a physician assistant in the state of Michigan.

7. On August 31, 2014, Respondent's physician assistant license in the state of Michigan expired, and has not been renewed as of the date of this Order.

8. On October 28, 2014, the Michigan Licensing Authority issued a Consent Order dissolving the June 6, 2014 Summary Suspension, suspending Respondent's expired license for a minimum period of six months and one day, and ordering Respondent to pay a fine in the amount of \$2,000.

9. On November 28, 2014, the United States Department of Health and Human Services – Office of Inspector General notified the Michigan Licensing Authority that, due to the March 20, 2104 fraud conviction, Respondent was excluded from participating in any capacity in Medicare, Medicaid, and all other Federal health care programs, effective December 10, 2014.

10. Respondent failed to report the events described above to the Department.

11. 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 David M. Hamond-Koskey, P.A., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(a)<sup>1</sup> by failing, within 30 days, to report to the board any final adverse action taken against the licensee's authority to practice medicine and surgery by another licensing jurisdiction concerned with the practice of medicine and surgery.

3. By the conduct described in the Findings of Fact, Respondent David M. Hamond-Koskey, P.A., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(c) by having adverse action taken by another jurisdiction against his license to practice medicine and surgery.

4. By the conduct described in the Findings of Fact, Respondent David M. Hamond-Koskey, P.A., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(h) by failing, within 30 days of conviction of any crime, to provide the board with certified copies of the criminal complaint and judgment of conviction.

5. By the conduct described in the Findings of Fact, Respondent David M. Hamond-Koskey, P.A., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(i) by having a 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.

6. By the conduct described in the Findings of Fact, Respondent David M. Hamond-Koskey, P.A., engaged in unprofessional conduct as defined by Wis. Stat. § 440.03(13)(am) for failing to send a notice of the conviction of a felony or misdemeanor anywhere by 1<sup>st</sup> class mail to the Department within 48 hours after the entry of judgment or conviction.

7. As a result of the above conduct, David M. Hamond- Koskey, P.A., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.
2. Respondent David M. Hamond- Koskey, P.A., is REPRIMANDED.
3. The license to practice as a physician assistant issued to David M. Hamond-Koskey, P.A., (license number 347-23) is LIMITED as follows:
  - a. Within six (6) months of the date of this Order, Respondent shall successfully complete ten (10) hours of education on the topic of medical ethics.
  - b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the

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<sup>1</sup> Wisconsin Administrative Code references are to the version in effect at the time of the conduct at issue.

Wisconsin Medical Examining Board, or its designee, prior to commencement of the course(s).

- c. The Board or its designee may reject any course and may accept any course for less than the number of hours for which Respondent seeks approval.
- d. Within thirty (30) days of completion of each educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that he has attended, in its entirety, the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.
- e. Respondent is responsible for all costs associated with compliance with this educational requirement.
- f. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

4. Within ninety (90) days from the date of this Order, Respondent David M. Hamond- Koskey, P.A., shall pay COSTS of the matter in the amount of \$500.00.

5. Requests for educational course approval, affidavit, proof of course completion, and costs made payable to the Wisconsin Department of Safety and Professional Services, shall be sent by Respondent 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 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order or additional acts of unprofessional conduct may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license (no. 347-23). 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 complete the ordered education or submit payment of costs as ordered, Respondent's license (no. 347-23) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has completed the ordered education or complied with payment of costs.

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

WISCONSIN MEDICAL EXAMINING BOARD

by: T Westlake MD  
A Member of the Board

6/15/16  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DAVID M. HAMMOND-KOSKEY, P.A.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

0004759

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Division of Legal Services and Compliance Case No. 14 MED 308

Respondent David M. Hammond-Koskey, P.A., 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.

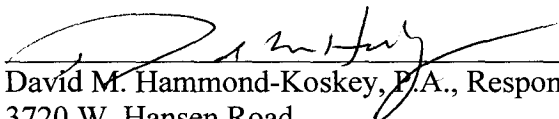
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

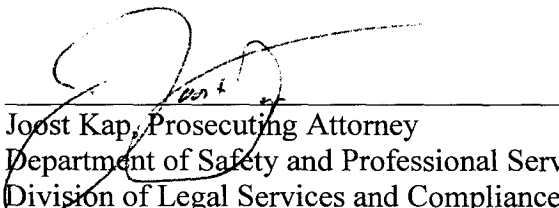
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

  
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David M. Hammond-Koskey, P.A., Respondent  
3720 W. Hansen Road  
Ludington, MI 49431  
License no. 347-23

5/18/16  
Date

  
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Joost Kap, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

5/23/16  
Date