

## 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  
DAVID A. BUCHANAN, M.D., :  
RESPONDENT. :

0005396

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Division of Legal Services and Compliance Case No. 16 MED 162

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

David A. Buchanan, M.D.  
W4610 Burkhalter Road  
Monroe, WI 53566

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 A. Buchanan, M.D., (DOB May 26, 1953) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 28137-20, first issued on January 16, 1987, 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 W4610 Burkhalter Road, Monroe, Wisconsin 53566.

2. On May 12, 2016, the Department received a report from the National Practitioner Databank (NPDB Report) claiming Respondent had voluntarily surrendered his clinical privileges while under or to avoid an employer investigation relating to professional competence or conduct.

3. The Department asked Respondent to provide information regarding the surrender of his clinical privileges, and issued a subpoena to Respondent's former employer for any information related to the NPDB Report.

4. Respondent informed the Department that personality conflicts with colleagues and administrators at his former employer led him to resign his position, and denied any unprofessional conduct or that his resignation was to avoid an employer investigation.

5. Materials provided to the Department by Respondent's former employer pursuant to subpoena reflect a number of employer concerns regarding Respondent's practice of medicine and interactions with colleagues and administrators, but do not establish that Respondent engaged in unprofessional conduct.

6. Respondent denies engaging in unprofessional conduct, but has practiced cardiology for over 30 years and wishes to retire, and therefore agrees to 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).

#### ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER by Respondent David A. Buchanan, M.D., of the right to renew his registration to practice medicine and surgery in the state of Wisconsin (license no. 28137-20) after the current registration expires on October 31, 2017, is hereby ACCEPTED.

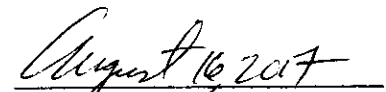
3. This surrender constitutes Respondent's permanent relinquishment of his right to practice medicine and surgery in the state of Wisconsin as of November 1, 2017. The Board will not at any time in the future, process or otherwise consider an application or attempt at renewal by Respondent of credentials necessary to practice medicine and surgery in the state of Wisconsin.

4. 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 \$1,150.00. 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

DAVID A. BUCHANAN, M.D.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

0005396

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Division of Legal Services and Compliance Case No. 16 MED 162

Respondent David A. Buchanan, 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.

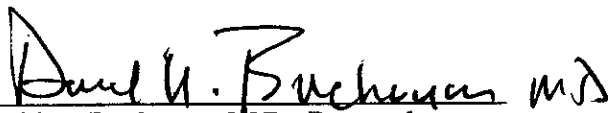
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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

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.

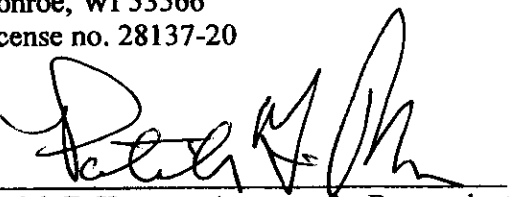
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's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

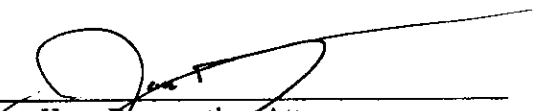
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
David A. Buchanan, M.D., Respondent  
W4610 Burkhalter Road  
Monroe, WI 53566  
License no. 28137-20

7-18-17  
Date

  
Patrick F. Koenen, Attorney for Respondent  
Hinshaw & Culbertson LLP  
100 West Lawrence Street  
Appleton, WI 54911-5773

7/24/17  
Date

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

8/3/17  
Date