

## 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  
THOMAS W. TULLY, M.D., :  
RESPONDENT. :

**0005521**

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Division of Legal Services and Compliance Case No. 15 MED 312

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

Thomas W. Tully, M.D.  
10006 Cross Creek Blvd. #436  
Tampa, FL 33647-2595

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 Thomas W. Tully, M.D., (DOB January 27, 1965), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 42410-20, first issued on July 21, 2000, with registration current through October 31, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 10006 Cross Creek Blvd. #436, Tampa, Florida 33647-2595.

2. Respondent's specialty is internal medicine and emergency medicine.

3. On April 26, 2011, Respondent saw Patient A, a female born in 1946, at a Florida Emergency Department (ED) for vomiting, diarrhea, fever, and abdominal pain. Patient A had

low blood pressure and a temperature of 103.2°. Respondent ordered CBC, urinalysis and abdominal films. Patient A's laboratory results were abnormal, including bacteria present on urinalysis and decreased white blood cell count demonstrated on CBC.

4. While in the ED, Patient A was given IV fluids. Respondent discharged Patient A from the ED with a diagnosis of acute gastroenteritis and instructed her to follow up with her primary care physician in two to three days.

5. On April 27, 2011, Patient A returned to the ED where she was diagnosed with sepsis from underlying obstructive uropathy and urinary tract infection by another provider.

6. Respondent fell below minimum standards by failing to treat Patient A for urinary tract infection at the time of her presentation to the ED on April 26, 2011.

#### 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 Thomas W. Tully, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(h) (Nov. 2002) by any practice or conduct which tends to constitute a danger to the health, welfare, or safety of patient or public.

3. As a result of the above conduct, Thomas W. Tully, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Thomas W. Tully, M.D., is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Thomas W. Tully, M.D., shall pay COSTS of this matter in the amount of \$1,454.00.

4. Costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to 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. In the event Respondent violates any term of this Order, Respondent's license (no. 42410-20), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:

T. Wojcik <sup>MD</sup>  
A Member of the Board

11/15/17  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : STIPULATION  
THOMAS W. TULLY, M.D., :  
RESPONDENT. : **0005521**

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Division of Legal Services and Compliance Case No. 15 MED 312

Respondent Thomas W. 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. 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.

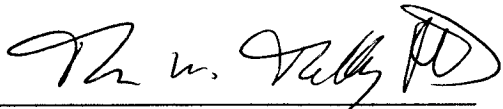
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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 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.

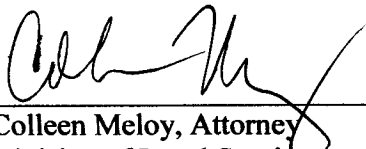
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Thomas W. Tully, M.D., Respondent  
10006 Cross Creek Blvd. #436  
Tampa, FL 33647-2595  
License no. 42410-20

10/19/2017  
Date



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

10/29/2017  
Date