

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

GARLAND W. YARBOROUGH, M.D.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0005815

Division of Legal Services and Compliance Case No. 17 MED 340

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

Garland W. Yarborough, M.D.
9400 W. Highland Road
Mequon, WI 53097-2625

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 a Final Order in 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 Garland W. Yarborough, M.D., (DOB February 26, 1949), is licensed by the State of Wisconsin to practice medicine and surgery, having license number 23313-20, first issued on July 11, 1980, with registration current through October 31, 2019.

2. Respondent's most recent address on file with the Department is 9400 W. Highland Road, Mequon, Wisconsin, 53097-2625.

3. Respondent is a solo practitioner practicing internal medicine and gastroenterology at a clinic in Milwaukee, Wisconsin.
4. Respondent is currently addressing health conditions which may impact his ability to practice medicine with reasonable skill and safety.
5. Respondent has decided to retire from the practice of medicine and surgery and tender the surrender of his Wisconsin medical license.

CONCLUSION OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3)(a) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

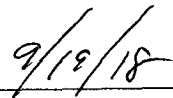
1. The Stipulation of the parties is accepted.
2. The PERMANENT VOLUNTARY SURRENDER by Respondent Garland Yarborough, M.D., of his license and registration to practice medicine and surgery in the state of Wisconsin (license no. 23313-20) and the appurtenant right to renew that registration is hereby accepted, and shall become effective 30 days from the date this Order is signed.
3. In the event that Respondent petitions the Board for re-licensure to practice medicine and surgery in the future, the Board may, in its full discretion require any inquiry, evaluation, or other conditions prior to considering Respondent's petition for re-licensure. Whether to grant Respondent a license and whether to impose any limitations or restrictions on any license granted shall be in the full discretion of the Board.
4. 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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

GARLAND W. YARBOROUGH, M.D.,
RESPONDENT.

STIPULATION

ORDER 0005815

Division of Legal Services and Compliance Case No. 17 MED 340

Respondent Garland W. Yarborough, 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 is represented by Attorney Patrick Knight.
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

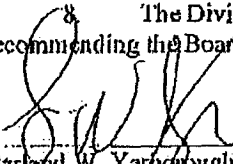
Stipulation
in the matter of disciplinary proceedings against
Garland W. Yarborough, M.D., DLSC Case No. 17 MED 340

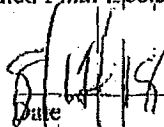
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


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.

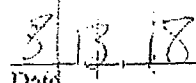
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.


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.

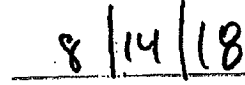

Garland W. Yarborough, M.D., Respondent
9400 W. Highland Road
Mequon, WI 53097-2625
License no. 23313-20


Date 8/13/18


Patrick Knight, Attorney for Respondent
Gimbel, Reilly, Guerin, Brown, LLP
330 E. Kilbourn Ave. Suite 1170
Milwaukee, WI 53202


Date 8/13/18


Yolanda Y. McGowan, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190


Date 8/14/18