

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 :
 :
HOWARD M. HACK, M.D., : FINAL DECISION AND ORDER
 : FOR REMEDIAL EDUCATION
LICENSEE. :
 :

0016018

Division of Legal Services and Compliance Case No. 17 MED 141

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

Howard M. Hack, M.D.
2150 47th Avenue South
Apartment 430
Grand Forks, ND 58201

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. Licensee Howard M. Hack, M.D. (DOB September 23, 1962), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 30900-20, first issued on January 24, 1990, with registration current through October 31, 2019. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2150 47th Avenue South, Apartment 430, Grand Forks, North Dakota 58201.

2. At times relevant hereto, Licensee was also licensed to practice medicine in California, Missouri, and North Dakota.

3. Licensee is a gastroenterologist who currently lives and practices in North Dakota.
4. In April 2017, the Medical Board of California (California Board) issued an order imposing discipline on Licensee's California medical license relative to gastroenterology care and treatment he provided to several patients in California in 2013 and 2014 (California Order).
5. The California Order, *inter alia*: placed Licensee's California medical license on probation for 3 years; required 40 credits of continuing medical education per probation year on the topics of medical record-keeping and ethics; imposed a practice/billing monitor; prohibited solo practice; prohibited the supervision of physician assistants; and related reporting requirements.
6. Since the California Order went into effect, Respondent has completed 96.25 hours of continuing medical education on the topics set out in the California Order, and other topics pertaining to the clinical practice of gastroenterology.
7. In July 2017, the North Dakota Board of Medicine reviewed the California Order and took no action against Licensee's North Dakota medical license.
8. In April 2018, the Missouri State Board of Registration for the Healing Arts reprimanded Licensee based solely on the California Order.
9. Licensee consents to entry of the following Conclusion of Law and Order.

CONCLUSION 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).

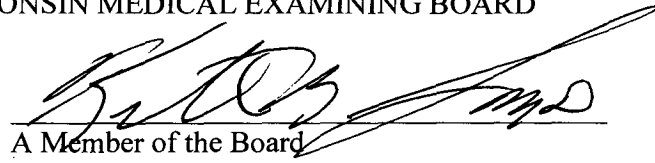
ORDER

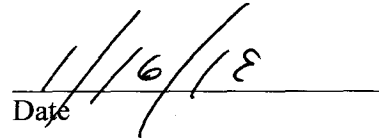
1. The attached Stipulation is accepted.
2. The Board accepts the education Respondent already completed as satisfying the education it would have otherwise ordered. Eight (8) hours of the education previously completed may not be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.
3. In the event Licensee violates any term of this Order, Licensee's license (no. 30900-20), or Licensee's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Licensee 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.

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 THE LICENSE OF :

HOWARD M. HACK, M.D., :
LICENSEE. :

STIPULATION

0016013

Division of Legal Services and Compliance Case No. 17 MED 141

Licensee Howard M. Hack, 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 Peter Osinoff.

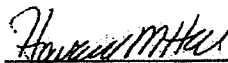
4. Licensee agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Licensee waives 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

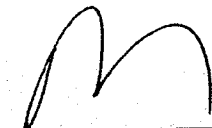
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee or Licensee's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

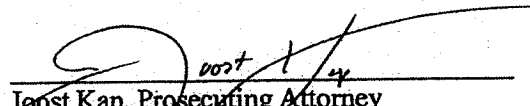
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Howard M. Hack, M.D., Licensee
2150 47th Ave. South, Apt. 430
Grand Forks, ND 58201
License no. 30900-20

4 December, 2018
Date


Peter Osinoff, Attorney for Licensee
Bonne Bridges Mueller O'Keefe & Nichols
355 S. Grand Ave., Suite 1750
Los Angeles, CA 90071-1562

Dec. 4, 2018
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

12/4/18
Date