

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARVIN J. VAN EVERY, M.D.,
RESPONDENT.

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FINAL DECISION AND ORDER

0006020

Division of Legal Services and Compliance Case Nos. 18 MED 035 and 18 MED 165

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

Marvin J. Van Every, M.D.
c/o Gundersen Health
1900 South Ave.
La Crosse, WI 54601

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 these matters agree to the terms and conditions of the attached Stipulation as the final disposition of these matters, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in these matters adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Marvin J. Van Every, M.D. (DOB July 7, 1954), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 29231-20, first issued on April 22, 1988, 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 1900 South Avenue, La Crosse, Wisconsin 54601.

2. At all times pertinent to this matter, Respondent had surgical privileges at a facility in La Crosse, Wisconsin (the Facility), where he practiced urology.

3. The Department's Division of Legal Services and Compliance (DLSC) opened case numbers 18 MED 035 and 18 MED 165 to investigate allegations of unprofessional conduct related to Respondent's surgical practices at the Facility.

4. In July of 2018, Respondent retired from the practice of medicine.

5. Respondent denies engaging in unprofessional conduct. However, as he is retired, Respondent does not wish to incur expenses in contested disciplinary proceedings. Therefore, he agrees to resolve DLSC case numbers 18 MED 035 and 18 MED 165 by consenting 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 these matters 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 PERMANENT SURRENDER by Marvin J. Van Every, M.D., of the license and registration to practice medicine and surgery in the state of Wisconsin (license no. 29231-20), is accepted, effective the date of this Order.

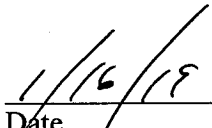
3. This surrender constitutes Respondent's permanent relinquishment of his license to practice medicine and surgery in the state of Wisconsin, and any appurtenant right to renew that registration. The Board will not, at any time in the future, process or otherwise consider an application or attempt at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

4. If Respondent ever seeks any other license under Wis. Stat. chs. 440-480, Marvin J. Van Every, M.D., shall, as a prerequisite to application, pay COSTS of these matters in the amount of \$1,952.00. If Respondent never again seeks licensure in Wisconsin, the Department waives the above-stated costs.

5. 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

MARVIN J. VAN EVERY, M.D.,
RESPONDENT.

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:
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:
:

STIPULATION

0006020

Division of Legal Services and Compliance Case Nos. 18 MED 035 and 18 MED 165

Respondent Marvin J. Van Every, 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 James Gutglass.


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.



Marvin J. Van Every, M.D., Respondent
Gundersen Health
1900 South Ave
La Crosse, WI 54601
License no. 29231-20

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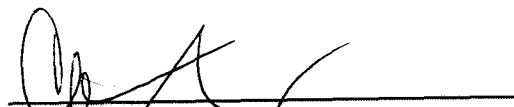
Date



James Gutglass, Attorney for Respondent
Gutglass Erickson Bonville & Larson
735 N Water St Ste 1400
Milwaukee, WI 53202

1/14/19

Date



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

1/15/19

Date