

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 :
 : FINAL DECISION AND ORDER
MARK A. BARNHARDT, D.O., :
RESPONDENT. : **ORDER 0006285**

Division of Legal Services and Compliance Case No. 18 MED 592

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

Mark A. Barnhardt, D.O.
21106 Eagle Ridge Court
San Antonio, TX 78258

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 Mark A. Barnhardt, D.O. (DOB February 23, 1966), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 37391-21, first issued on January 26, 1996, 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 21106 Eagle Ridge Court, San Antonio, Texas 78258.¹

2. Respondent practices pediatrics and was until recently also licensed to practice medicine in Texas.

¹ Upon information and belief, Respondent now resides at 938 Pecan St., Canyon Lake, Texas 78133.

ORDER 0006587

3. At all times relevant hereto, Respondent practiced medicine at the Brooke Army Medical Center in Fort Sam Houston, Texas.

4. On September 25, 2018, Respondent pled guilty in Bexar County District Court, Texas to one count of felony indecency-child exposure. He entered into a deferred prosecution agreement which included a 90-day term of confinement.

5. Upon his release from confinement, Respondent has resided in Texas without any intention of moving to Wisconsin.

6. On October 26, 2018, the Texas Medical Board entered an Order for Temporary Suspension indefinitely suspending Respondent's license to practice medicine in Texas.

7. Respondent failed to timely report the October 26, 2018 Order for Temporary Suspension to the Board.

8. On June 14, 2019, the Texas Medical Board revoked Respondent's Texas medical license.

9. In resolution of this matter, Respondent consents 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 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 Mark A. Barnhardt, D.O., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(a) by failing, within 30 days, to report to the board any final adverse action taken against the licensee's authority to practice medicine and surgery by another licensing jurisdiction concerned with the practice of medicine and surgery.

3. By the conduct described in the Findings of Fact, Respondent Mark A. Barnhardt, D.O., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(c) by having any credential pertaining to the practice of medicine and surgery or any act constituting the practice of medicine and surgery become subject to adverse determination by any agency of this or another state, or by any federal agency or authority.

4. As a result of the above conduct, Mark A. Barnhardt, D.O., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. The PERMANENT SURRENDER by Mark A. Barnhardt, D.O., of his license to practice medicine and surgery in the state of Wisconsin (license no. 37391-21) and any appurtenant right to renew that license, is hereby accepted, effective the date of this Order.

3. This surrender constitutes Respondent's permanent relinquishment of his right to practice medicine and surgery in the state of Wisconsin. 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, Mark A. Barnhardt, D.O., shall, as a prerequisite to application, pay COSTS of this matter in the amount of \$490.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at 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


You may also submit this information online via DSPS' Monitoring Case Management System, here: <https://app.wi.gov/DSPSMonitoring>


6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and the Board may, in its discretion, impose additional conditions and limitations or other additional discipline, as it deems appropriate. 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.

7. 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

MARK A. BARNHARDT, D.O.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

ORDER 0006285

Division of Legal Services and Compliance Case No. 18 MED 592

Respondent Mark A. Barnhardt, D.O. 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


ORDER000680

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.

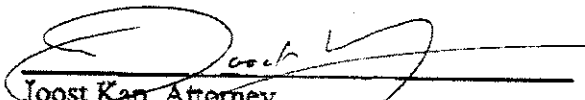
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Mark A. Barnhardt, D.O., Respondent
21106 Eagle Ridge Court
San Antonio, TX 78258
License no. 37391-21

7 JUL 19
Date



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

7/1/19
Date

PAGE 3/3 REC'D 7/1/2019 1:58:04 PM [Central Daylight Time] PRD 082837401