

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
JAMES F. TIERNEY, M.D., :
RESPONDENT. : **ORDER 0006669**

Division of Legal Services and Compliance Case No. 19 MED 398

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

James F. Tierney, M.D.,
Franksville, WI 53126

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, Conclusion of Law, and Order.

FINDINGS OF FACT

1. Respondent James F. Tierney, M.D., (DOB: XX-XX-1950), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 23273-20, first issued on July 11, 1980, with registration current through October 31, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Franksville, Wisconsin 53126.

2. Respondent is a cardiologist and has no disciplinary history with the Board.

3. On August 27, 2019, the Department received a National Practitioner Databank report dated July 22, 2019, stating Respondent voluntarily resigned from a facility's medical staff while under investigation for substandard or inadequate care.

4. Respondent submitted a response to the Department defending his care of the patient at issue, stating he had not resigned but had retired, and that he wishes to maintain his medical license to pursue volunteer opportunities in retirement.

5. Respondent agrees 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 medicine and surgery license issued to James F. Tierney, M.D., (license number 23273-20) is LIMITED as follows:

a. Respondent shall not practice clinical cardiology in any capacity.

b. In the event Respondent wishes to practice clinical cardiology in the future, he may request that the Board lift or revise this limitation by submitting a petition which demonstrates to the satisfaction of the Board or its designee that Respondent has:

i. Successfully completed a clinical cardiology competency evaluation establishing Respondent's competence to safely practice clinical cardiology, performed by an assessment program recognized by the Federation of State Medical Boards and preapproved by the Board or its designee.

ii. The evaluation shall be completed no more than one hundred eighty (180) days prior to being submitted with the petition.

iii. Respondent shall provide the clinical competence evaluator with a copy of this Order and shall authorize the Board or its designee to communicate freely with the clinical competence evaluator.

iv. Respondent shall complete, to the satisfaction of the Board or its designee, all education and training recommended by the clinical competence evaluator before the Board will decide to grant, conditionally grant, or deny Respondent's petition.

c. Respondent shall be responsible for all costs associated with the clinical competence evaluation and training required under this Order,

including all additional evaluations, treatment, education and training, as may be recommended by the evaluators.

d. The Board shall have full discretion to continue, lift, or conditionally lift the limitation based on the conclusions and recommendations of the clinical competence evaluator.

3. Within 90 days from the date of this Order, James F. Tierney, M.D., shall pay COSTS of this matter in the amount of \$395.00.

4. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services), any petition to lift or modify the limitation, requests for approval of evaluators, and evaluation reports and related documents, and any other related documents shall be 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 payment online via DSPTS' Monitoring Case Management System, here: <https://app.wi.gov/DSPSMonitoring>

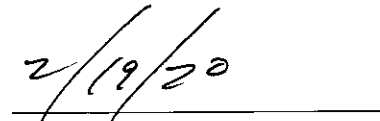
5. In the event Respondent violates any term of this Order, Respondent's license (no. 23273-20), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. 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:


A Member of the Board


Date

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JAN 16 2020

DIV LEGAL SERVICES & COMPLIANCE
DEPT SAFETY & PROFESSIONAL SERVICES

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES F. TIERNEY, M.D.,
RESPONDENT.

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STIPULATION

ORDER 0006669

Division of Legal Services and Compliance Case No. 19 MED 398

Respondent James F. Tierney, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

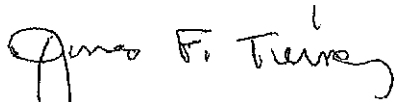
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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.

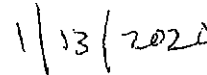
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

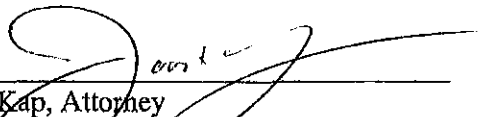
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



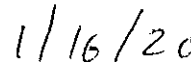
James F. Tierney, M.D., Respondent
Franksville, WI 53126
License no. 23273-20



Date



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



Date