

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 L. DELGADILLO, D.O., :
RESPONDENT. :

JRDER0006998

Division of Legal Services and Compliance Case No. 17 MED 447

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

James L. Delgadillo, D.O.
Corinth, MS 38834

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 James L. Delgadillo, D.O. (DOB XX/XX/1980), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 57324-21, first issued on June 6, 2012, 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 in Corinth, Mississippi.

2. Respondent does not currently practice in Wisconsin. He resides in and only practices medicine in Mississippi.

3. On December 22, 2017, the Department received a complaint from Respondent's previous employer (Clinic), alleging Respondent participated in a pattern of prescribing

controlled substances which was inconsistent with the standard of minimum competence for a physician.

4. On August 28, 2017, the Clinic generated a report on Respondent's opioid prescribing for the previous twelve months. The following was discovered:

- a. 242 unique patients received an opioid prescription from Respondent.
- b. Respondent signed 1,371 total opioid prescriptions.
- c. When compared to other internal medicine providers in the Clinic's system, Respondent was two standard deviations above the mean for total opioids prescribed in morphine milligram equivalents (MMEs).
- d. In the most recent quarter, Respondent was the only provider outlier for internal medicine. He prescribed a total of 872,991 MMEs – 423,207 MME above the cutoff of 449,784 for a six-month period.
- e. Historically, Respondent has been approximately a 700-800 thousand MME outlier above the cutoff for a 12-month period.

5. After the August 28, 2017 report, the Clinic performed a random chart audit of 10% of Respondent's opioid patients. The audit was completed on September 8, 2017, and identified the following issues:

- a. Narcotic agreements were not consistently signed.
- b. Respondent did not wean patients who were agreeable to decreasing their opioid medications.
- c. Respondent continued opioids, added new opioids, and increased the dosage of current opioids prior to investigating the cause of the pain and, in some cases, without obtaining urine drug screens.
- d. Respondent permitted early refills.
- e. Respondent allowed additional opioid prescriptions without talking directly with the patient.
- f. Respondent allowed additional opioids the day after a patient received opioids in the emergency room.
- g. Respondent continued to prescribe opioids after patients violated narcotic agreements.
- h. Respondent continued to prescribe opioids after hospital admissions for narcotic overuse.

6. Respondent left employment with the Clinic prior to the filing of the complaint.

7. In October 7, 2019 correspondence with the Department, Respondent admitted to the following:

- a. Weaning patients too slowly.
- b. After abnormal urine drug screens, often “giving patients additional chances.”
- c. Having several cases where urine drug screens were performed every six months rather than every three months.
- d. Increasing patient narcotic dosing without office visits with some patients developing narcotic overuse.

8. Per Respondent, only approximately 10-15% of his current patients are prescribed some sort of narcotic medication, which includes tramadol. The strongest form of pain medication he currently prescribes is hydrocodone/acetaminophen. He has not prescribed oxycodone, morphine, nor any extended release narcotic since moving to Mississippi. He does not exceed 40 MME on any patient.

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 James L. Delgadillo, D.O., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(c) by prescribing, ordering, dispensing, administering, supplying, selling, giving, or obtaining any prescription medication in any manner that is inconsistent with the standard of minimal competence.

3. As a result of the above conduct, James L. Delgadillo, D.O., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent James L. Delgadillo, D.O., is REPRIMANDED.

3. The license of James L. Delgadillo, D.O., to practice medicine and surgery in the state of Wisconsin (license no. 57324-21) will ONLY be LIMITED if he resumes practicing medicine and surgery in the state of Wisconsin. Upon practice in Wisconsin, this license will be LIMITED as follows:

- a. Prior to resuming practice in Wisconsin, Respondent shall inform the Department of his intent to practice medicine and surgery in the state of Wisconsin.
- b. Every ninety (90) days for a period of no less than two (2) years from the resumption of practice in Wisconsin, Respondent shall submit his Wisconsin Prescription Drug Monitoring Program (PDMP) Prescriber Metrics Report (PMR) reflecting his prescribing for the preceding quarter.
- c. Respondent shall submit each PMR under an affidavit attesting that it accurately and completely reflects his PDMP-eligible prescribing for the preceding quarter.
- d. No PMR Respondent submits shall contain any patient health information but shall otherwise be submitted in the exact form generated by the PDMP.
- e. Every ninety (90) days for a period of no less than two (2) years from the resumption of practice in Wisconsin, Respondent shall submit an affidavit attesting that all patients whom Respondent has prescribed controlled substances for the preceding ninety (90) days have complied with the requirements set forth in Paragraph 18 of the Findings of Fact.
- f. Starting one (1) year from the resumption of practice in Wisconsin, Respondent may petition the Board every ninety (90) days for modification of the PMR report and affidavits submission requirements set out above. Denial of a modification petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall have no right to further hearings or proceedings on the denial under Wis. Stat. § 227.42 or any other law.
- g. Respondent shall be responsible for all costs associated with complying with the terms of this Order.

4. Within 90 days from the date of this Order, James L. Delgadillo, M.D., shall pay COSTS of this matter in the amount of \$2,206.00.

5. PMR submissions, affidavits, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) 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 this information and payment online via DSPS' Monitoring Case Management System, here: <https://dpsmonitoring.wi.gov>

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit written reports or fails to timely submit payment of costs as ordered, Respondent's license to practice medicine and surgery in the State of Wisconsin (57324-21) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the submission of written reports and payment of costs.

7. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by: Stephen A. Wasserman, MD
A Member of the Board

16 September 2020
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES L. DELGADILLO, D.O.,
RESPONDENT.

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:
:
:
:

STIPULATION
ORDER 0006998

Division of Legal Services and Compliance Case No. 17 MED 447

Respondent James L. Delgadillo, 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

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 L. Delgadillo, D.O.
James L. Delgadillo, D.O., Respondent
Corinth, MS 38834
License no. 57324-21

09/04/2020
Date


Lesley McKinney, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

9/4/2020
Date