

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
NEVILLE W. DUNCAN, M.D., :  
RESPONDENT. :

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**ORDER 0007334**

Division of Legal Services and Compliance Case No. 18 MED 252

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

Neville W. Duncan, M.D.  
Milwaukee, WI 53224

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 Neville W. Duncan, M.D., (Year of Birth 1941) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 37370-20, first issued on January 12, 1996, 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 Milwaukee, Wisconsin 53224.

2. On February 24, 1999, the Board previously reprimanded Respondent for possession of cocaine outside of legitimate practice and subsequent misdemeanor conviction, pursuant to Order LS9902244MED.

3. At all times relevant to this matter, Respondent was employed as a physician at a drug and alcohol treatment clinic in Milwaukee, Wisconsin.

4. The Department opened DLSC Case No. 18 MED 252 to investigate Respondent's prescribing practice after receiving an anonymous complaint, which alleged, *intra alia*:

- a. On July 16, 2018, Respondent prescribed Xanax 2 mg, 90 tablets per month, to Patient A, a patient with a known history of Substance Use Disorder.
- b. Respondent continued to prescribe controlled substances to Patient A after the patient tested negative for the medication prescribed.
- c. Respondent failed to perform a PDMP<sup>1</sup> check for Patient A before issuing the prescriptions.

5. Respondent admitted to the Department that in 2018, he did not regularly check the PDMP nor utilize urine drug screens prior to issuing prescriptions. Respondent represented to the Department that he is currently working as an addiction specialist and regularly utilizing both urine drug screens and PDMP checks in his practice.

6. On March 15 – March 17, 2021, Respondent attended and successfully completed the *Intensive Course in Controlled Substance Prescribing* Continuing Medical Education (CME) course offered by the Case Western Reserve University School of Medicine and was awarded a total of 23.50 AMA PRA Category 1 Credits.

7. 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 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, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

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<sup>1</sup> Wisconsin Prescription Drug Monitoring Program

ORDER

1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED.
3. The Board recognizes and accepts the successful completion of the above-described CME credits as the equivalent of the education it would have otherwise ordered. None of these CME credits may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.
4. Respondent's license to practice medicine and surgery in the state of Wisconsin (license number 37370-20) is LIMITED as follows:
  - a. For at least two (2) years from the date of this Order, Respondent shall submit his Wisconsin Prescription Drug Monitoring Program (PDMP) Prescriber Metrics Report (PMR) reflecting his prescribing for the preceding quarter to the Department Monitor every ninety (90) days.
  - b. Respondent shall submit each PMR under an affidavit attesting that it accurately and completely reflects his PDMP-eligible prescribing for the preceding quarter.
  - c. Respondent shall submit each PMR in the exact form generated by the PDMP, except that all PMR submitted shall have patient names redacted.
5. After two (2) years from the date of this Order, Respondent may petition the Board for modification or termination of the limitation terms set out above in paragraph 4. Denial of a 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.
6. Respondent shall be responsible for all costs associated with compliance with the terms of this Order.
7. Within 90 days from the date of this Order, Respondent shall pay the COSTS of this matter in the amount of \$2,831.00.
8. PMR submissions, affidavits, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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) 266-2112; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov/>

9. In the event Respondent violates any term of this Order, Respondent's license (no. 37370-20), 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.

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

WISCONSIN MEDICAL EXAMINING BOARD

By: Sheldon A. Walker, MD  
A Member of the Board

21 April 2021  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
NEVILLE W. DUNCAN, M.D., : STIPULATION  
RESPONDENT. :

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**ORDER 0007334**

Division of Legal Services and Compliance Case No. 18 MED 252

Respondent Neville W. Duncan, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

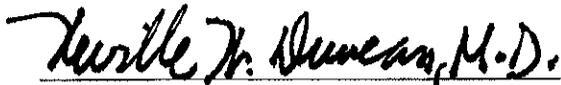
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives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



Neville W. Duncan, M.D., Respondent  
Milwaukee, WI 53224  
License No. 37370-20

4/5/2021  
Date



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

4/8/2021  
Date