

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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

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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
FRANCIS F. JOSEPH, M.D.,	:	ORDER NO. 0007551
RESPONDENT.	:	

Division of Legal Services and Compliance Case No. 21 MED 191

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

Francis F. Joseph, M.D.
Highlands Ranch, CO 80130

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 Francis F. Joseph, M.D., (Year of Birth 1965) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 39627-20, first issued on February 27, 1998, with registration current through October 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Highlands Ranch, Colorado 80130.

2. On March 17, 2021, Respondent was indicted in the United States District Court for the District of Colorado, Case No. 21-cr-00083-RM, on one (1) count of Theft or Embezzlement in Connection with Health Care, in violation of 18 U.S.C. § 669; one (1) count of Theft or Embezzlement of Public Money, Property or Records, in violation of 18 U.S.C. § 641; one (1) count of Fraud by Wire, Radio or Television, in violation of 18 U.S.C. § 1343; and one (1)

count of Concealment of Assets, False Oaths and Claims, in violation of 18 U.S.C. § 152(3). The indictment was based in part on allegations that Respondent fraudulently obtained and/or stole COVID relief funds and paycheck protection funds for his own personal use from the Accelerated and Advance Payment Program, the Provider Relief Fund, and the Paycheck Protection Program (government programs that were meant to aid medical providers during the COVID-19 pandemic). The indictment was not based on allegations involving care provided directly to patients by Respondent.

3. On August 18, 2021, the Board issued an Interim Order that limited Respondent's ability to practice medicine and surgery in Wisconsin pending the final outcome of this disciplinary proceeding. To the Board's knowledge, Respondent was compliant with the aforementioned Interim Order.

4. On December 21, 2022, the Board issued a second Interim Order that limited Respondent's ability to practice medicine and surgery in Wisconsin pending the final outcome of this disciplinary proceeding. The terms of the second Interim Order superseded the terms of the Interim Order dated August 18, 2021. To the Board's knowledge, Respondent was compliant with the aforementioned second Interim Order.

5. On January 13, 2023, Respondent was convicted of one (1) count of Theft or Embezzlement in Connection with Health Care, in violation of 18 U.S.C. § 669, and one (1) count of Fraud by Wire, Radio or Television, in violation of 18 U.S.C. § 1343, after a jury trial in United States District Court for the District of Colorado, Case No. 21-cr-00083-RM. Other charges were dismissed and/or Respondent was acquitted thereof.

6. On June 1, 2023, Respondent was sentenced to 30 months in prison followed by three years of supervised release. Respondent is also required to pay restitution in the amount of approximately \$266,000.

7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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. Based on the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(1)(d) by employing illegal or unethical business practices.

3. Based on the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(3)(i) by being convicted of any laws or rules of this state, or of any other state, or any federal law or regulation that is substantially related to the practice of medicine and surgery.

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. The VOLUNTARY SURRENDER by Respondent of his license and registration to practice medicine and surgery in the state of Wisconsin (license no. 39627-20), as well as his right to renew such license and registration, is accepted.
3. In the event Respondent petitions the Board for reinstatement of his license and registration to practice medicine and surgery in the state of Wisconsin, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and registration and whether to impose any limitations or restrictions on any license and registration granted shall be in the sole discretion of the Board and such decision is not reviewable.
4. In the event Respondent petitions the Board for reinstatement of his license and registration to practice medicine and surgery in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$2,030.00, before any petition or application for a credential will be considered by the applicable board or Department.
5. Any petitions or payments of costs (made payable to Department of Safety and Professional Services) and other information required by this Order shall be submitted to:

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

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

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

WISCONSIN MEDICAL EXAMINING BOARD

By: Sharon A. Wasserman, MD
A Member of the Board

9/20/23
Date

08/21/2023

RECEIVED

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

DIVISION OF SERVICES AND COMPLIANCE
DEPT. OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	
	:	STIPULATION
FRANCIS F. JOSEPH, M.D.,	:	ORDER NO. 0007551
RESPONDENT.	:	

Division of Legal Services and Compliance Case No. 21 MED 191

Respondent Francis F. Joseph, 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.

RECEIVED BY

AUG 28 2023

DMS 14000000

08/21/2023

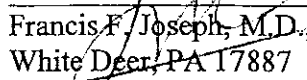
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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


Francis F. Joseph, M.D., Respondent
White Deer, PA 17887
License No. 39627-20


Date


Carley Peich Kiesling, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

08/29/2023
Date