

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

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>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov



**Before the
State Of Wisconsin
Medical Examining Board**

In the Matter of the Disciplinary Proceedings
Against Gladys R. Gregory, M.D., Respondent.

FINAL DECISION AND ORDER

Order No. **ORDER 00085 13**

Division of Legal Services and Compliance Case No. 22 MED 235

The State of Wisconsin Medical Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin Medical Examining Board.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 19th day of April, 2023.

Handwritten signature of Stephen A. Wacker, MD.

Member
Medical Examining Board



**Before The
State of Wisconsin
DIVISION OF HEARINGS AND APPEALS**

In the Matter of Disciplinary Proceedings Against
Gladys R. Gregory, M.D., Respondent.

DHA Case No. SPS-22-0072
DLSC Case No. 22 MED 235

PROPOSED DECISION AND ORDER

The parties to this proceeding for purposes of Wis. Stat. §§ 227.47(1) and 227.53 are:

Gladys R. Gregory
1207 Churchill Drive
Gallatin, TN 37066

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53707-8366

Department of Safety and Professional Services,
Division of Legal Services and Compliance, by:

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

PROCEDURAL HISTORY

On November 21, 2022, the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division) served the Notice of Hearing and Complaint in this matter on Respondent, Gladys R. Gregory, M.D., by mailing copies to her address on file with the Department via both certified and regular mail, pursuant to Wis. Stat. § 440.11(2) and Wis. Admin. Code § SPS 2.08. Respondent failed to file an Answer to the Complaint as required by Wis. Admin. Code § SPS 2.09(4).

Following expiration of the 20-day period to file an Answer, the undersigned Administrative Law Judge (ALJ) scheduled a telephone prehearing conference for January 4, 2023, at 10:00 a.m. Attorney Gretchen Mrozinski appeared on behalf of the Division. Respondent failed to provide contact information as requested by the ALJ and failed to appear.

Subsequently, Respondent sent an email to the Division which was forwarded to the ALJ. The ALJ issued a notice for a rescheduled telephone prehearing conference for January 12, 2023. Respondent failed to appear.

On January 17, 2023, the ALJ issued a Notice of Default and Order against Respondent and ordered the Division to file a recommended Proposed Decision and Order by February 10, 2023. The Division timely filed its submission.

FINDINGS OF FACT

Facts Related to the Alleged Violations

Findings of Fact 1-9 are taken from the Division's Complaint filed against Respondent in this matter, which the Respondent has not contested.

1. Gladys R. Gregory, M.D. (Respondent) (Year of Birth 1961) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 65364-20, first issued on March 30, 2016. This license expired as of November 1, 2019, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until October 31, 2024. (Complaint, ¶ 1)

2. The most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) for Respondent is located in Gallatin, Tennessee. (Complaint, ¶ 2)

3. At all times relevant to this proceeding, Respondent practiced as a psychiatrist in Tennessee. (Complaint, ¶ 3)

4. On September 22, 2021, Respondent was disciplined by the Tennessee Board of Medical Examiners (TN Board) for offering discounts to patients in exchange for recruitment of new patients at her psychiatry practice. The TN Board issued Respondent a Letter of Warning, required her to pay a civil penalty of \$500, and ordered her to complete a two-day medical course entitled, "Medical Ethics, Boundaries & Professionalism" (TN Board Order). (Complaint, ¶ 4)

5. On April 21, 2022, Respondent was disciplined by the Kentucky Board of Medical Licensure (KY Board) as a result of Respondent receiving the TN Board Order, her failure to report the TN Board Order to the KY Board, and her failure to respond to the allegations before the KY Board. The KY Board restricted Respondent from practicing medicine in Kentucky indefinitely, required her to complete the "Vanderbilt Comprehensive Assessment Program for Professionals", and required her to comply with the TN Board Order (KY Board Order). (Complaint, ¶ 5)

6. On May 6 and 16, 2022, the Division of Legal Services and Compliance (Division), sent to Respondent at her email address of record with the Department a request to provide a written response to the allegations. Respondent did not respond. (Complaint, ¶ 6)

7. On May 24, 2022, the Division sent to Respondent at her mailing address of record with the Department a request to provide a written response to the allegations. Respondent did not respond. (Complaint, ¶ 7)

8. On August 17, 2022, the Division sent to Respondent at her mailing address of record with the Department, the address listed in the KY Board Order, and the address listed on her practice website (Hope & Healing: Psychiatry & Suboxone Discount Clinic) a request to provide a written response to the allegations. The Division also sent to Respondent at the email address listed on her practice website and her email address of record with the Department a request to respond to the allegations. Respondent did not respond. (Complaint, ¶ 8)

9. On September 15, 2022, the Division called Respondent at the telephone number of record with the Department and left a voicemail requesting she contact the Division regarding the allegations and her intentions to practice in Wisconsin. Respondent did not respond. (Complaint, ¶ 9)

Facts Related to Default

10. On November 21, 2022, the Division served the Notice of Hearing and Complaint on Respondent at her last known address on file with the Department by both certified and regular mail. (Affidavit of Renee Hammond)

11. On November 25, 2022, the Division of Hearings and Appeals forwarded a copy of the Notice of Hearing and Complaint to the Respondent's current email address. In response and confirming receipt, the Respondent sent an email reply to the Division of Hearings and Appeals stating, "I do NOT have an active Wisconsin license. I did NOT need it after my locums assignment ended."

12. Respondent failed to file an Answer to the Complaint following her receipt of the Division's Notice of Hearing and Complaint.

13. Following the expiration of the 20-day time period to file an Answer, the ALJ scheduled a telephone prehearing conference for January 4, 2023, at 10:00 a.m.

14. Notice of the prehearing conference was sent to both parties via email and regular mail, consistent with Wis. Admin. Code § HA 1.03. The Notice also instructed Respondent to contact the ALJ with a telephone number at which Respondent could be reached for the conference no later than January 3, 2023. Respondent did not contact the ALJ to provide a telephone number where she could be reached for the January 4, 2023 prehearing conference.

15. At the prehearing conference held on January 4, 2023, Attorney Gretchen Mrozinski appeared on behalf of the Division. The ALJ attempted to reach Respondent at her telephone number on file with the Department. Respondent did not answer. The Division moved for default based on Respondent's failure to file an Answer to the Complaint and failure to appear for the prehearing conference, pursuant to Wis. Admin. Code §§ SPS 2.14 and HA 1.07(3)(c). The ALJ left Respondent a voicemail instructing her that if she failed to respond, the ALJ would entertain the Division's motion for default. The ALJ also contacted Respondent via email, at 10:33 a.m.,

and similarly instructed Respondent that if she wished to contest the action, she should contact the ALJ, and absent a response the ALJ would grant the Division's motion for default.

16. On January 4, 2023, at 3:24 p.m., Respondent sent an email to the Division advising that she needed "documents sent to [her] certified mail: 1207 Churchill Drive Gallatin, TN 37066." The email utilized by Respondent when communicating to the Division and ALJ was the same email address utilized by the Division and ALJ when communicating with Respondent. The Division forwarded Respondent's email to the ALJ. That same day, at 4:41 p.m., the ALJ emailed all parties advising that a Notice of Default would not be issued at that time and that the ALJ would like to set the matter for a rescheduled telephone prehearing conference. The email further asked if the Division and Respondent were available for a telephonic conference on January 12, 2023, at 10:00 a.m. The Division responded in the affirmative. Respondent did not respond.

17. On January 5, 2023, the Division sent Respondent another copy of the Notice of Hearing and Complaint, both regular and certified mail, to 1207 Churchill Drive, Gallatin, TN 37066. To date, Respondent has not filed an Answer to the November 21, 2022 mailing nor the January 5, 2023 mailing of the Notice of Hearing and Complaint.

18. On January 6, 2023, the ALJ emailed Respondent and the Division with notice that the matter was set for a rescheduled telephone prehearing for January 12, 2023, at 10:00 a.m. The email advised what telephone numbers the ALJ would be using to contact the parties and that if any party wished to be contacted at an alternative number, the party should advise the ALJ. Respondent's telephone number, as contained in the notice, was the same number used and provided by Respondent in earlier communications with the Division and ALJ.

19. On January 12, 2023, Attorney Mrozinski appeared on behalf of the Division for the rescheduled telephone prehearing conference. The ALJ attempted to contact Respondent at the telephone number contained in the notice; however, Respondent failed to answer. The Division moved for default based on Respondent's failure to answer the Complaint and failure to appear for the prehearing conference, pursuant to Wis. Admin. Code §§ SPS 2.14 and HA 1.07(3)(c). The ALJ left Respondent a voicemail message informing her that if she did not return the call within 15 minutes, the ALJ would issue a default judgment. Respondent did not return the call within 15 minutes.

20. Via email on January 17, 2023, at 10:41 a.m., the ALJ issued a Notice of Default and Order against Respondent and ordered the Division to file and serve a recommended Proposed Decision and Order no later than February 10, 2023. The Notice of Default was also mailed to all parties that same date. Later that same date, Respondent telephoned the ALJ asserting that she was returning the ALJ's voicemail message, the most recent of which was left by the ALJ on January 12, 2023. The ALJ advised Respondent that she would not discuss the case with Respondent ex parte and that if Respondent wished to contest the matter, she may submit an appropriate motion in writing copying the Division and ALJ.

21. To date, Respondent has not submitted a motion contesting the Notice of Default and Order against Respondent and she has not submitted any response to the Division's recommended Proposed Decision and Order.

22. The Division timely filed its recommended Proposed Decision and Order.

DISCUSSION

Jurisdictional Authority

The Wisconsin Medical Examining Board (Board) has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3). Currently, Respondent's license and registration are not active, but the Board retains authority in this matter because Respondent has a right to renew her license and registration within five years of expiration, or until October 31, 2024. Wis. Stat. § 440.08(3).

The Department "may promulgate rules defining uniform procedures to be used by the department . . . and all examining boards and affiliated credentialing boards attached to the department or an examining board, for . . . conducting [disciplinary] hearings." Wis. Stat. § 440.03(1). These rules are codified in Wis. Admin. Code ch. SPS 2.

The Division of Hearings and Appeals has authority to issue the proposed decision and order pursuant to Wis. Stat. § 227.46(1) and Wis. Admin. Code § SPS 2.10(2).

Default

The Notice of Hearing and Complaint in this matter were served on Respondent by the Division, utilizing Respondent's mailing address of record with the Department, on November 21, 2022, by both certified and regular mail. See Wis. Admin. Code § SPS 2.08. An Answer to a Complaint must be filed within 20 days from the date of service of the Complaint. Wis. Admin. Code § SPS 2.09(4). No Answer has been filed.¹

Following expiration of the 20-day time period to file an Answer, the ALJ scheduled a telephone prehearing conference for January 4, 2023 at 10:00 a.m. Notice of this prehearing conference was sent to both parties, with instructions that Respondent provide to the ALJ a telephone number at which Respondent could be reached for the conference no later than January 3, 2023. Respondent failed to provide a telephone number. At the January 4, 2023 prehearing conference, the Division provided the ALJ with Respondent's telephone number on file with the Department. Respondent did not answer. The ALJ left a voicemail message for Respondent and emailed Respondent advising that if Respondent did not respond, the ALJ would grant the

¹On January 5, 2023, the Division mailed, via certified and regular mail, another copy of the Notice of Hearing and Complaint to Respondent, utilizing a mailing address provided by Respondent on January 4, 2023. However, the Respondent still did not file an Answer.

Division's motion for default. At 3:24 p.m. later that day, Respondent sent an email to the Division which was forwarded to the ALJ. In response, the ALJ emailed both parties advising that a Notice of Default would not be issued at that time and that the ALJ would like to set the matter for a rescheduled telephone prehearing conference.

On January 6, 2023, the ALJ emailed both parties with notice that the matter was set for a rescheduled telephone prehearing conference for January 12, 2023, at 10:00 a.m. The notice contained the phone numbers that the ALJ would use to contact both parties with instructions to contact the ALJ if a party wished to be contacted at a different number. Neither party requested different contact numbers.

On January 12, 2023 at 10:00 a.m., the Division appeared for the prehearing conference. The ALJ attempted to contact Respondent by telephone; however, the Respondent failed to answer. The ALJ left Respondent a voicemail message informing Respondent that if she did not return the call within 15 minutes, the ALJ would issue a default judgment. Respondent did not return the call within 15 minutes.

Based on Respondent's failure to file an Answer to the Complaint and failure to appear at the prehearing conferences in this matter, the Division moved for default pursuant to Wis. Admin. Code § SPS 2.14 and Wis. Admin. Code § HA 1.07(3)(c).

If a respondent fails to file an Answer as required or fails to appear at the hearing, the respondent is in default. Wis. Admin. Code § SPS 2.14. *See also* Wis. Admin. Code § HA 1.07(3)(b). Wisconsin Admin. Code § HA 1.07(3)(c) delineates the circumstances which constitute a failure to appear:

For a telephone or video hearing or prehearing, the administrative law judge may find a failure to appear grounds for default if any of the following conditions exist for more than ten minutes after the scheduled time for hearing or prehearing conference: (1) The failure to provide a telephone number to the division after it had been requested; (2) the failure to answer the telephone or videoconference line; (3) the failure to free the line for the proceeding; (4) the failure to be ready to proceed with the hearing or prehearing conference as scheduled.

In light of Respondent's failure to file an Answer to the Complaint and failure to appear for both the original and rescheduled prehearing conferences, the ALJ found Respondent to be in default. Wisconsin Admin. Code § SPS 2.14 provides that when a respondent is in default, "the disciplinary authority may make findings and enter an order on the basis of the complaint and other evidence." *See also* Wis. Admin. Code § HA 1.07(3)(b) ("If a respondent fails to appear, the administrative law judge may . . . take the allegations in an appeal as true as may be appropriate ")

Here, Respondent failed to file an answer to the Complaint, failed to appear at the telephone prehearing conferences scheduled for January 5 and 12, 2023, failed to provide a telephone number

to the ALJ after it had been requested, failed to answer the telephone when the ALJ called, and failed to be ready to proceed with the prehearing conferences as scheduled. Therefore, Respondent is in default, and findings and an order may be entered based on the Complaint and other evidence.

Violations of Wisconsin Statute and Administrative Code

The Board has the authority to impose discipline against the Respondent pursuant to Wis. Stat. § 448.02(3). Following an investigation and disciplinary hearing, if the Board determines that a physician is guilty of unprofessional conduct, it may “warn or reprimand that person or limit, suspend or revoke any license or certificate granted by the board....” Wis. Stat. § 448.02(3)(c).

Unprofessional conduct includes 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. See Wis. Admin. Code § Med 10.03(3)(c).

On September 22, 2021, the State of Tennessee Board of Medical Examiners (“TN Board”) disciplined Respondent for offering discounts to patients in exchange for recruitment of new patients at her psychiatry practice. (Complaint, ¶ 4) The TN Board issued Respondent a Letter of Warning, required her to pay a civil penalty of \$500, and ordered her to complete a two-day medical course entitled, “Medical Ethics, Boundaries & Professionalism.” (Id.) On April 21, 2022, Respondent was disciplined by the State of Kentucky Board of Medical Licensure (“KY Board”) as a result of Respondent receiving the TN Board order, for her failure to report the TN Board Order to the KY Board, and her failure to respond to the allegations before the KY Board. (Complaint, ¶ 5) The KY Board restricted Respondent from practicing medicine in Kentucky indefinitely, required her to complete the “Vanderbilt Comprehensive Assessment Program for Professionals,” and required Respondent to comply with the TN Board order. (Id.) The Respondent thus engaged in unprofessional conduct under Wis. Admin. Code § Med 10.03(3)(c) by having her credentials to practice medicine and surgery in Tennessee and Kentucky subject to adverse determination by the respective boards in those states.

By engaging in conduct qualifying as grounds for taking disciplinary action on her license, along with Respondent’s failure to make any argument to the contrary, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3)(c), and Wis. Admin. Code § Med 10.03(3)(c).

Discipline

The Division requests suspension of Respondent’s right to apply for renewal of her license and registration to practice medicine and surgery in Wisconsin until she demonstrates compliance with the TN and KY Board Orders and completes a fitness to practice evaluation.

The three purposes of discipline in a professional misconduct case are: (1) to promote the rehabilitation of the credential holder; (2) to protect the public from other instances of misconduct; and (3) to deter other credential holders from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 209, 237 N.W.2d 689 (1976).

The Division's proposed discipline to suspend the Respondent's right to renew her licensure conditioned upon compliance with existing orders issued by the TN and KY Boards, and requiring Respondent to undergo a fitness to practice evaluation, offers the Respondent a pathway towards rehabilitation should she desire to renew her license to practice medicine and surgery in Wisconsin. This pathway acknowledges and recognizes Respondent's legal duty to comply with the orders issued by the TN and KY Boards as well as considering the Board's duty to ensure that its license holders are safe and competent to practice medicine and surgery in Wisconsin. If Respondent truly desires to return to practice in Wisconsin, she will demonstrate as much by embracing this pathway towards rehabilitation.

In addition, the recommended discipline protects the public. "Protection of the public is the purpose of requiring a license." *State ex rel. Green v. Clark*, 235 Wis. 628, 631, 294 N.W. 25 (1940). When a license is granted to an individual, Wisconsin is assuring the public that the licensed individual is competent in his or her profession. *Stringez v. Dep't of Regulation & Licensing Dentistry Examining Bd.*, 103 Wis. 2d 281, 287, 307 N.W.2d 664 (1981). It follows that if the state cannot assure the public of the licensee's competence to practice the profession, then revocation is appropriate. *Gilbert v. State Medical Examining Bd.*, 119 Wis. 2d 168, 189-90, 349 N.W.2d 68 (1984). Respondent was disciplined in Tennessee and Kentucky for ethical violations, failure to report discipline to a medical board, and failure to respond to a medical board. Respondent also failed to respond to the Division during its investigation and failed to appear for two telephone prehearing conferences. Respondent's conduct is demonstrative of someone who does not respect and abide by the authority of the medical boards that granted her licensure to practice medicine and surgery. Under such circumstances, the Board cannot assure the public that Respondent is competent to practice medicine and surgery in Wisconsin. Suspending Respondent's right to apply for renewal of her license and registration until she demonstrates compliance with the TN and KY Board Orders, as well as undergoes a fitness to practice examination, serves to protect the citizens of Wisconsin from a physician who may not be competent to practice at this time.

The recommended discipline also deters other credential holders from engaging in similar conduct. A physician licensed to practice medicine and surgery in Wisconsin should know that the receipt of discipline against their license to practice medicine and surgery in another state amounts to unprofessional conduct under Wisconsin law. See Wis. Admin. Code § Med 10.03(3)(c). That physician will not be able to "escape" the consequences of their out of state discipline by retaining an unencumbered license, or the right to renew that license, to practice medicine and surgery in Wisconsin. The Board has a duty to protect the citizens of Wisconsin by licensing competent physicians. If another state medical board disciplines a physician who is also licensed in Wisconsin, the Board will take notice and act accordingly by imposing discipline as well, report the discipline to the National Practitioner's Databank, and publish the order on the Department's public website. Accordingly, the suspension of Respondent's right to renew her license and registration will deter other credential holders from engaging in similar conduct.

The recommended discipline is consistent with Board precedent. See, *In the Matter of Disciplinary Proceedings Against Natasha R. Shallow, M.D.*, Order Number 0005403 (December

20, 2017), the Board indefinitely suspended Dr. Shallow's license and/or right to renew such license following Dr. Shallow's suspension of her medical license in various other states. The Board found that Dr. Shallow suffered from one or more untreated and ongoing mental and/or physical health conditions. Dr. Shallow defaulted in the proceedings before the Board. A condition of lifting the suspension required Dr. Shallow to submit to a competency exam.² In *In the Matter of the Disciplinary Proceedings Against Angelina M. Montemurro, M.D.*, Order Number 0002139 (March 18, 2015), the Board indefinitely suspended Dr. Montemurro's license after she failed to comply with a mental health examination requirement and subsequently defaulted during the hearing proceedings. The suspension order required that a condition of lifting the suspension was for Dr. Montemurro to complete a competency exam.³ See also *In the Matter of Disciplinary Proceedings Against Michael N. Mangold, M.D.*, Order Number 0002433 (May 15, 2013) (Board suspended Dr. Mangold's license indefinitely or until a showing that he recognized the authority of the Board and understood his obligations to comply with the Board's orders for practicing medicine without a valid license).⁴

Based upon the above, including the factors set forth in *Aldrich* and prior Board decisions, a suspension of Respondent's right to renew her license is an appropriately reasonable level of discipline commensurate with the facts of this case. Therefore, I agree with the Division's recommendation that Respondent's right to renew her registration and license to practice medicine and surgery in Wisconsin be suspended until she complies with the TN and KY Board Orders and completes a fitness to practice evaluation.

Costs

The Board is vested with discretion concerning whether to assess all or part of the costs of this proceeding against Respondent. See Wis. Stat. § 440.22(2). In exercising such discretion, the Board must look at aggravating and mitigating facts of the case. *Noesen v. State Department of Regulation & Licensing, Pharmacy Examining Board*, 2008 WI App 52, ¶¶ 30-32, 311 Wis. 2d 237, 751 N.W.2d 385. In previous orders, Boards have considered the following factors when determining if all or part of the costs should be assessed against the Respondent: (1) the number of counts charged, contested and proven; (2) the nature and seriousness of the misconduct; (3) the level of discipline sought by the prosecutor; (4) the Respondent's cooperation with the disciplinary process; (5) prior discipline, if any; (6) the fact that the Department is a program revenue agency, funded by other licensees; and (7) any other relevant circumstances. See *In the Matter of Disciplinary Proceedings Against Elizabeth Buenzli-Fritz* (LS0802183 CHI) (Aug. 14, 2008). It is within the Board's discretion as to which of these factors to consider, whether other factors should be considered, and how much weight to give any factors considered.

Considering the above factors, it is appropriate for Respondent to pay the full costs of the investigation and prosecution of these proceedings. Because Respondent defaulted and did not file an answer, the factual allegations identified in the Division's Complaint were deemed admitted.

² *In the Matter of Disciplinary Proceedings Against Natasha R. Shallow, M.D.*, Order Number 0005403

³ *In the Matter of the Disciplinary Proceedings Against Angelina M. Montemurro, M.D.*, Order Number 0002139

⁴ *In the Matter of the Disciplinary Proceedings Against Michael N. Mangold, M.D.*, Order Number 0008486

Respondent's conduct involved ethical violations, failure to report discipline to a state medical board, and failure to cooperate with a state medical board. Respondent also failed to cooperate with the current disciplinary process by failing to file an Answer to the Complaint, failing to appear for telephone prehearing conferences, and failing to abide by directions provided to her by the ALJ. The actions brought against the Respondent's license to practice medicine and surgery in Kentucky and Tennessee not only constitute a violation in Wisconsin, but such conduct is serious and demonstrative of Respondent's disregard of the laws that govern her profession. While Respondent has not incurred prior discipline in Wisconsin, she has incurred prior discipline in Kentucky and Tennessee.

Finally, the Department is a program revenue agency whose operating costs are funded by the revenue received from credential holders. It would be unfair to impose the costs of pursuing discipline in this proceeding on those licensees who have not engaged in misconduct.

Therefore, it is appropriate for Respondent to pay the full costs of the investigation and prosecution in this matter, as determined pursuant to Wis. Admin. Code § SPS 2.18.

CONCLUSIONS OF LAW

1. The Medical Examining Board (Board) has jurisdiction over this matter pursuant to Wis. Stat. § 448.02.
2. Respondent is in default by failing to file an Answer to the Complaint and failing to appear for the prehearing conferences pursuant to Wis. Admin. Code § SPS 2.14 and § HA 1.07(3)(c).
3. Respondent engaged in unprofessional conduct that constitutes grounds for disciplinary action under 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 violations, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3), and Wis. Admin. Code § Med 10.03(3).
5. Suspension of the Respondent's right to apply to renew her license and registration to practice medicine and surgery in the state of Wisconsin is reasonable and appropriate.
6. It is appropriate for Respondent to pay the full costs of the investigation and prosecution in this matter pursuant to Wis. Admin. Code § SPS 2.18.
7. The Division of Hearings and Appeals has authority to issue this proposed decision pursuant to Wis. Stat. § 227.46 and Wis. Admin. Code § SPS 2.10.

PROPOSED ORDER

For the reasons set forth above, IT IS ORDERED:

1. Respondent Gladys R. Gregory, M.D.'s right to apply to renew her license and registration to practice medicine and surgery in the state of Wisconsin (license number 65364-20), is indefinitely SUSPENDED.
2. Respondent's license and registration may not be renewed or reinstated until Respondent petitions the Board for renewal or reinstatement, and the Board, in its discretion, grants Respondent's request.
3. Renewal or reinstatement of Respondent's license and registration will not be granted until Respondent presents evidence, sufficient to the Board, that she is in compliance with the KY and TN Board orders.
4. Renewal or reinstatement of Respondent's license and registration will not be granted until Respondent, at her own expense, undergoes a fitness to practice evaluation, conducted by a licensed physician, psychologist or both, pre-approved by the Board. As a condition of renewal or reinstatement, the Board, in its discretion, may impose additional restrictions or limitations on Respondent's license as determined necessary by the Board to address any recommendations or findings resulting from the fitness to practice examination, or to otherwise ensure Respondent is able to practice medicine and surgery with reasonable skill and safety. Should the fitness to practice evaluation result in an opinion by the evaluator that Respondent is not fit to practice medicine and surgery in the state of Wisconsin, Respondent's petition for renewal or reinstatement shall be denied.
5. Respondent shall pay all recoverable costs in this matter in an amount to be established, pursuant to Wis. Admin. Code § SPS 2.18.
6. Payment of costs (by certified check or money order to the Wisconsin Department of Safety and Professional Services) and any requests, petitions, reports and other information required by this Order shall be mailed, emailed, faxed or delivered to:

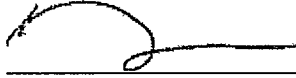
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

IT IS FURTHER ORDERED that the terms of the Order are effective the date the Final Decision and Order in this matter is signed by the Board.

Dated at Madison, Wisconsin, on March 9, 2023.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
4822 Madison Yards Way, 5th Floor North
Madison, Wisconsin 53705-5400
Tel. (608) 266-2447
FAX: (608) 264-9885
Email: Kristin.Fredrick@wisconsin.gov

By: 

Kristin P. Fredrick
Administrative Law Judge

NOTICE OF RIGHTS OF APPEAL

TO: Gladys Gregory, M.D.
113 Trail Drive
Gallatin, TN 37066

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is **April 20, 2023**. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING.

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for rehearing must be served upon the respondent at the address listed below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period. The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law. A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident, the proceedings shall be in the county where the dispute arose. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the final Decision and Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53(1)(a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable 30 day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

Wisconsin Medical Examining Board
4822 Madison Yards Way
P.O. Box 8366
Madison, WI 53708-8366

227.49 Petitions for rehearing in contested cases.

(1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.53 Parties and proceedings for review.

(1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review of the decision as provided in this chapter and subject to all of the following procedural requirements:

(a)

1. Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of circuit court for the county where the judicial review proceedings are to be held. If the agency whose decision is sought to be reviewed is the tax appeals commission, the banking review board, the credit union review board, or the savings institutions review board, the petition shall be served upon both the agency whose decision is sought to be reviewed and the corresponding named respondent, as specified under par. (b) 1. to 4.

2. Unless a rehearing is requested under s. 227.49, petitions for review of contested cases shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review under this

subdivision shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this subdivision commences on the day after personal service or mailing of the decision by the agency.

227.57 Scope of review.

(1) The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the agency, testimony thereon may be taken in the court and, if leave is granted to take such testimony, depositions and written interrogatories may be taken prior to the date set for hearing as provided in ch. 804 if proper cause is shown therefor.

(2) Unless the court finds a ground for setting aside, modifying, remanding or ordering agency action or ancillary relief under a specified provision of this section, it shall affirm the agency's action.

(3) The court shall separately treat disputed issues of agency procedure, interpretations of law, determinations of fact or policy within the agency's exercise of delegated discretion.

(4) The court shall remand the case to the agency for further action if it finds that either the fairness of the proceedings or the correctness of the action has been impaired by a material error in procedure or a failure to follow prescribed procedure.

(5) The court shall set aside or modify the agency action if it finds that the agency has erroneously interpreted a provision of law and a correct interpretation compels a particular action, or it shall remand the case to the agency for further action under a correct interpretation of the provision of law.

(6) If the agency's action depends on any fact found by the agency in a contested case proceeding, the court shall not substitute its judgment for that of the agency as to the weight of the evidence on any disputed finding of fact. The court shall, however, set aside agency action or remand the case to the agency if it finds that the agency's action depends on any finding of fact that is not supported by substantial evidence in the record.

(7) If the agency's action depends on facts determined without a hearing, the court shall set aside, modify or order agency action if the facts compel a particular action as a matter of law, or it may remand the case to the agency for further examination and action within the agency's responsibility.

(8) The court shall reverse or remand the case to the agency if it finds that the agency's exercise of discretion is outside the range of discretion delegated to the agency by law; is inconsistent with an agency rule, an officially stated agency policy or a prior agency practice, if deviation therefrom is not explained to the satisfaction of the court by the agency; or is otherwise in violation of a constitutional or statutory provision; but the court shall not substitute its judgment for that of the agency on an issue of discretion.

(9) The court's decision shall provide whatever relief is appropriate irrespective of the original form of the petition. If the court sets aside agency action or remands the case to the agency for further proceedings, it may make such interlocutory order as it finds necessary to preserve the interests of any party and the public pending further proceedings or agency action.

(10) Upon such review due weight shall be accorded the experience, technical competence, and specialized knowledge of the agency involved, as well as discretionary authority conferred upon it. The right of the appellant to challenge the constitutionality of any act or of its application to the appellant shall not be foreclosed or impaired by the fact that the appellant has applied for or holds a license, permit or privilege under such act.