

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

JOHN GREGORY HOFFMANN, M.D.,

Respondent

ORDER DENYING THE STAY

On October 22, 1997, the Medical Examining Board issued its Final Decision and Order in the above-captioned matter. By the terms of the board's order, respondent's license to practice medicine and surgery in Wisconsin was suspended for a period of not less than five years, with provision for consecutive three month stays of the suspension contingent upon compliance with a number of conditions and limitations on the license. Among other conditions, Dr. Hoffmann was required to enroll and successfully participate in a drug and alcohol treatment program satisfactory to the board, including participation in individual or group therapy on at least a weekly basis; to participate in AA or NA meetings at least once per week; to submit to drug and alcohol screens on a twice-weekly basis; and to be responsible for submission of quarterly practice and therapy reports.

At its meeting of March 26, 1998, the board was made aware that respondent's therapist, Dr. Engel, had not seen Dr. Hoffmann since October 17, 1997, and that Dr. Engel had not even been aware that a board Order had been issued. As of the day of the board's meeting, Dr. Hoffmann had still not seen Dr. Engel, though he was scheduled to see him on March 27, 1998. Accordingly, the board ordered that the suspension of the license be stayed for a period of one month and that Dr. Hoffmann appear before the board at its meeting of April 22, 1998, in support of any request for a further stay of the suspension. Dr. Hoffmann appeared on that date, and the board thereafter granted Dr. Hoffmann a three month stay by its Order dated April 30, 1998.

Pursuant to the board's Order, Dr. Hoffmann again appeared before the board at its meeting of September 24, 1998. At that time, he was asked to explain the circumstances of a recent relapse and a resultant DWI citation. The board considered the matter on that date, and ordered that the stay of the suspension of the license of Dr. Hoffmann be extended for an additional period of three months.

On December 16, 1998, the board considered Dr. Hoffmann's request for a further three month stay of the suspension of his license. The board at that time was presented with evidence that Dr. Hoffmann had again violated the terms and conditions of his limited license; including failure to participate in therapy sessions a minimum of once each week, failure to attend alcoholics Anonymous or Narcotics Anonymous meetings at least once per week, and failure to provide for timely reports by his Supervising Health Care Provider. Based upon that evidence, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that Dr. Hoffmann's request for a further three month stay of the suspension of his license is denied, and the license is hereby suspended.

Dated this 18th day of December, 1998.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by Wanda Roever
Wanda Roever
Board Secretary

BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

AFFIDAVIT OF MAILING

JOHN GREGORY HOFFMANN, M.D., :
RESPONDENT. :

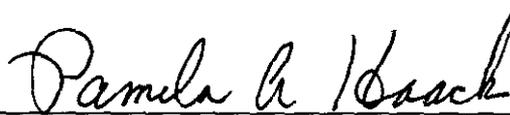
Pamela A. Haack, being first duly sworn on oath deposes and states that she is in the
employ of the Department of Regulation and Licensing, and that on December 22, 1998, she
served the following upon the respondent:

Order Denying Stay dated December 18, 1998

by mailing a true and accurate copy of the above-described document, which is attached hereto,
by certified mail, with a return receipt requested in an envelope properly addressed to the
above-named respondent at:

7828 Roger Road
Eagle River WI 54521
Certified Z 233 821 158

an address that appears in the files and records of the Medical Examining Board as the
respondent's last known address.



Pamela A. Haack
Department of Regulation and Licensing

Subscribed and sworn to before me

this 22nd day of December, 1998.



Notary Public
Dane County, Wisconsin
My Commission is Permanent

NOTICE OF RIGHTS OF APPEAL

TO: John G Hoffmann, MD

You have been issued an Order. For purposes of service the date of mailing of this Order is 12/22/98. 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 Order is shown above.

A petition for rehearing should name as respondent and be filed with the party identified 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.

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 of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the 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 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 thirty 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 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 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:

MEDICAL EXAMINING BOARD

1400 East Washington Avenue
P.O. Box 8935
Madison WI 53708-8935