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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF AN :
INVESTIGATION OF : **FINAL DECISION AND ORDER**
:
JOHN GREGORY HOFFMANN, M.D., : LS0805217MED
LICENSEE. :

Division of Enforcement Case #06 Med 228

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

J. Gregory Hoffmann, MD
P.O. Box 248
Waupaca, WI 54981

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the 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

1. Licensee John Gregory Hoffmann, M.D. (dob 7/26/50) is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #26569, first granted on 2/1/85. Licensee is a family practitioner, and is not certified by any board recognized by the American Board of Medical Specialties; he is not licensed in any other jurisdiction.

2. On October 22, 1997, Licensee was disciplined by the Board in its file 97 Med 176 (LS-9710223-MED), for consuming alcohol while on call, and treating a patient after consuming at least four alcoholic beverages. Licensee's unlimited license was restored on May 19, 2004.

3. A review of a sample of Licensee's charts has suggested that there may be deficiencies in current medical knowledge, practice standards, or charting standards.

4. Licensee disputes this suggestion, and agrees to resolve this dispute by submitting himself to the physician assessment process conducted by the University of Wisconsin Office of Continuing Professional Development in Medicine and Public Health.

CONCLUSIONS OF LAW

A. 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).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED:

1. John Gregory Hoffmann, M.D., Licensee, shall undergo an assessment to evaluate Licensee's current abilities to practice medicine at his current practice, given his current patient population and the investigative file in this case. The assessment shall be performed under the direction of the University of Wisconsin Office of Continuing Professional Development in Medicine and Public Health (UW-OCPDMPH), and may include a cognitive screening assessment, peer interview, and/or physical examination. Licensee shall initiate the assessment process within fifteen (15) days of the date of this order and shall timely complete all portions of the process for which he is responsible (including payment of all required fees), as requested by UW- OCPDMPH.
2. If the results of this assessment process show no deficiency in Licensee's abilities, this investigation shall be closed and no formal Complaint based on this investigation may be filed.
3. If the results of this assessment process show a deficiency in Licensee's abilities, Licensee shall participate in and successfully complete the educational program established through the UW- OCPDMPH, based upon on the results of the assessment. The educational program shall include a post-intervention assessment which may be 6-18 months following the completion of the didactic portion of the program. Licensee shall complete this program within the time parameters established by the UW- OCPDMPH, but no later than two years from the date of the report to the Board of the results of the assessment process. If Licensee successfully completes all recommended program(s), the investigation shall be closed and no formal Complaint based on this investigation may be filed.
4. In the event that UW- OCPDMPH states that it is unable to develop an educational program which adequately addresses the issues identified in the assessment, the program shall notify the Board of this fact, and the matter shall be returned to the Division of Enforcement for further action. The results of the assessment shall be admissible as evidence in any subsequent proceedings in this action.
5. Licensee shall be responsible for all costs incurred for the assessment and training under the terms of this Order, and shall timely pay all fees when due.
6. The UW- OCPDMPH shall certify to the Board the results of the assessment and educational program upon their completion, and may certify separately the didactic portion of the program and the post-intervention assessment. Upon receipt of certification of completion of the terms and conditions set forth above, the Medical Examining Board shall inform Licensee that his obligations under this portion of this order have been satisfied, and that his license is no longer limited in this respect.
7. If Licensee does not successfully complete the program or does not successfully achieve the objectives of the program, this matter shall be referred to the Board to determine any appropriate discipline for the conduct set out in the Findings of Fact, or in that portion of the investigative file which has been disclosed to Licensee before the Stipulation was signed. Licensee and the Division will have the opportunity to present argument to the Board on that issue. The Board and Licensee will receive the results of the assessment and Licensee's performance in the program, including the post-intervention assessment, as evidence in determining appropriate discipline.

IT IS FURTHER ORDERED, that John Gregory Hoffmann, M.D., Licensee, shall not order, prescribe, or administer any opioid or opiate which is a controlled substance, for more than 30 days in any 12 month period, for any patient. Upon successful completion of the assessment and any followup education as required, above, Licensee may petition the Board for a termination of this provision of this Order. The Board shall have sole discretion in determining whether any such termination shall be granted, in whole or in part, including any additional conditions which may be required for the termination of this

provision of this Order in whole or in part, based on Licensee's assessment and any additional education he has undergone.

IT IS FURTHER ORDERED, that Licensee shall pay the COSTS of investigating and prosecuting this matter of \$2,600, by September 5, 2009.

IT IS FURTHER ORDERED, that pursuant to Wis. Stats. §§ 227.51(3) and 448.02(4), 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 Licensee'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 Licensee fails to timely submit any payment of the costs as ordered or fails to comply with the ordered

assessment or any recommended education, Licensee's license SHALL BE SUSPENDED, without further notice or hearing, until Licensee has complied fully with the terms of this Order.

Dated this May 21, 2008.

WISCONSIN MEDICAL EXAMINING BOARD

by: Gene Musser MD
a member of the Board