

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

DAVID D. SPRINGER, M.D., RESPONDENT

FILE No. 02-11-612

**STATEMENT OF CHARGES and SETTLEMENT
(Combined)**

COMES NOW the Iowa Board of Medicine (Board) and David D. Springer, M.D., (Respondent), on August 30, 2013, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and 653 IAC 25.3, enter into this combined Statement of Charges and Settlement Agreement

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 34851 on September 18, 2002.
2. Respondent's Iowa medical license went inactive due to nonrenewal on May 1, 2007.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the order of disciplinary action is prima facie evidence.

STATEMENT OF THE MATTERS ASSERTED

5. Respondent is an Iowa-licensed physician who formerly practiced anatomic and clinical pathology in La Crosse, Wisconsin.

6. **Wisconsin Medical License:** On or about July 20, 2011, Respondent entered into a Stipulation and Final Decision and Order with the Wisconsin Medical Examining Board. Respondent agreed not to reapply for registration of his Wisconsin medical license. Attached is a copy of the Stipulation and Final Decision and Order issued by the Wisconsin Medical Examining Board concerning Respondent.

7. **Voluntary Surrender:** Respondent has retired from the practice of medicine due to health problems. Respondent agrees to voluntarily surrender his Iowa medical license to resolve this matter.

8. Respondent voluntarily submits this Order to the Board for consideration.

9. Respondent agrees that the State's counsel may present this Order to the Board for consideration.

10. By entering into this Order, Respondent understands that he has a right to be represented by legal counsel, voluntarily waives any rights to a contested case hearing and waives any objections to the terms of this Order. This Order constitutes the resolution of a contested case proceeding.

11. Respondent understands that by entering into this Order, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

12. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank.

13. The Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

14. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

15. The Board's approval of this Order shall constitute a **Final Order** of the Board.



David D. Springer, M.D., Respondent

Subscribed and sworn to before me on July 22, 2013.

Notary Public, State of Wisconsin.

Linda Murray Stollenwerk
Commission expires March 25, 2017



This Order is approved by the Board on _____, 2013.

Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

This Order is approved by the Board on August 30, 2013.



Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE
DISCIPLINARY PROCEEDING AGAINST

DAVID D. SPRINGER, M.D.,
RESPONDENT.

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:
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:
:

STIPULATION

ORDER 0000960

Division of Enforcement Case No. 09MED396

It is hereby stipulated between David D. Springer, M.D., respondent; and his counsel, J. Drew Ryberg, Ryberg & Happe, SC; and Pamela M. Stach, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (Case No. 09MED396). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained the advice of legal counsel prior to signing this stipulation and has done so.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Medical Examining 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.

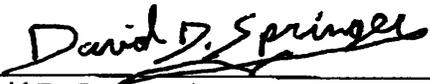
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the

Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Medical Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, with or without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board 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 Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



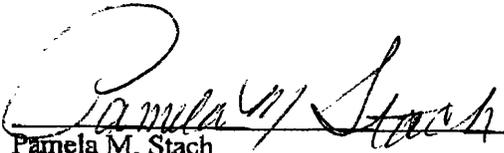
David D. Springer, M.D.
Respondent
110 N. 23rd Street
La Crosse, WI 54601

July 07, 2011
Date



J. Drew Ryberg
Attorney for Respondent
State Bar No. 1015940
Ryberg & Happe, SC
200 Riverfront Terrace, Suite 100
Eau Claire, WI 54702-1999

July 6, 2011
Date



Pamela M. Stach
Attorney
State Bar No. 1011165
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

July 13, 2011
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
DAVID D. SPRINGER, M.D., :
RESPONDENT. :

ORDER 0000960

Division of Enforcement Case No. 09MED396

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

David D. Springer, M.D.
110 N. 23rd Street
La Crosse, WI 54601

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Medical Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
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 Medical Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. David D. Springer, M.D., ("Respondent") was born on March 11, 1959, and was licensed to practice medicine and surgery in the state of Wisconsin pursuant to license number 30338-20. This license expired on October 31, 2007. Respondent retains the right of renewal through October 31, 2012.

2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 110 N. 23rd Street, La Crosse, WI 54601.

3. Respondent is Board Certified in Anatomic and Clinical Pathology, with a Surgical Pathology Fellowship at the University of Missouri with emphasis in Gastrointestinal Pathology.

4. There is an investigation of Respondent pending before the Wisconsin Medical Examining Board.

5. The investigation involves allegations that Respondent failed to diagnose a patient's malignant melanoma after excision of an atypical nevus in 2003, resulting in an approximate thirty one month delay in treatment. The Board has made no determination with regard to these allegations.

6. Respondent is prepared to defend these allegations and has three witnesses knowledgeable in oncologic pathology who are prepared to testify favorably on Respondent's behalf. Respondent also has three expert witnesses who are prepared to testify in support of his position. Because Respondent is unable medically to continue to practice, he is willing to agree to this resolution. Respondent's current disability, which consists of persistent disabling migraines, was not a factor in the care which is the subject of the investigation. In the interest of resolving this matter, and understanding that Respondent is unable to practice medicine, he agrees to entry of this Final Decision and Order by the Board.

7. Respondent retired from the practice of medicine and surgery in the State of Wisconsin in January 2007.

8. Respondent holds no active license to practice medicine and surgery from any other licensing authority.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. secs. 448.02.

2. The Medical Examining Board has the authority to resolve this matter by stipulated agreement pursuant to Wis. Stats. sec. 227.44(5).

ORDER

NOW THEREFORE IT IS ORDERED that the Stipulation of the parties is hereby accepted.

IT IS FURTHER ORDERED that Respondent shall not reapply for registration of his license to practice medicine and surgery in the State of Wisconsin at any time in the future.

IT IS FURTHER ORDERED that Respondent shall not practice medicine or surgery in the State of Wisconsin when not currently registered.

IT IS FURTHER ORDERED that in the event Respondent wishes to resume the practice of medicine and surgery in the State of Wisconsin at some future date, he shall appear before the Board to request the right to reregister and to satisfy the Board as to his competence to resume the practice of medicine and surgery. Evidence of such competence may include, but not be limited to, any testing, evaluation, assessment or retraining the Board deems appropriate. The Board may grant the right to reregister, deny the request, or allow registration under a limited license on terms and conditions the Board feels appropriate and necessary at the time of the request. In the event the Board denies Respondent's request to reregister, or allows reregistration for a limited license only, such denial or limitation shall not constitute a denial of a license within the meaning of Wis. Stats. sec. 227.01(3)(a).

IT IS FURTHER ORDERED that 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 Respondent'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.

Dated this 20 day of July, 2011.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

Shaulo MD MBA
A Member of the Board