

THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE
APPLICATION FOR SOUTH DAKOTA
MEDICAL LICENSURE SUBMITTED
BY JOSE VEIZAGA-MENDEZ, MD

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

WHEREAS, the investigative review panel of the South Dakota Board of Medical and Osteopathic Examiners consisting Mr. Bernie Christenson, board member investigator, Margaret B. Hansen, executive director, Donald N. Srstka, general counsel, and H. Adrian Mohr, board investigator, having performed due diligence with regard to the application of Jose Veizaga-Mendez, M.D. for licensure, and the South Dakota Board of Medical and Osteopathic Examiners, being fully advised of the premises, hereby makes and enters its:

FINDINGS OF FACT

1. June 11, 2007 – Application for medical licensure submitted by Dr. Veizaga-Mendez (hereinafter called applicant) begins processing by board staff. Application indicates action in Massachusetts and 7 malpractice cases with no explanations.
2. June 22, 2007 – Letter from Mr. Mohr to applicant requesting an explanation of the 7 malpractice cases and the action in Massachusetts.
3. June 27, 2007 – Applicant reported that the Massachusetts Board of Medicine conducted an investigation and found that the care he rendered in 7 of 9 cases was substandard, that he was requested and did sign a voluntary agreement not to practice medicine in Massachusetts during the investigation.
4. July 13, 2007 – Mr. Mohr requested that the applicant provide legible explanations regarding the malpractice claims.

5. July 20, 2007 – applicant reported that he had 5 suits in the past 2 years, and that the Massachusetts matter was pending before the Division of Administrative Law Appeals.
6. August 15, 2007 – Mr. Mohr informed applicant that the application was placed on hold pending the findings of the Massachusetts proceedings.
7. October 17, 2007 – Daniel Bluthardt, director of the Illinois Department of Financial and Professional Regulation reported applicant's license in Illinois was suspended.
8. October 24, 2007 – Applicant was requested to provide a detailed explanation of the action in Illinois.
9. November 16, 2007 – Applicant sent a letter to the board office requesting that he be allowed to withdraw his application because he decided to retire from practice.
10. November 28, 2007 – Applicant again requested to provide information regarding the suspension of his license in Illinois.
11. December 1, 2007 – Applicant sent a letter to the board office indicating that he sent a statement to request withdrawal of his application because he is retiring and that he hoped the letter would clarify his request so that the review committee could move on to other business.
12. December 2, 2007 – Email alert received from the Federation of State Medical Boards, which reported that the Senate Committee of Veterans Affairs held a hearing regarding applicant's practice at the VA hospital in Marion, Illinois, and the spike in the number of deaths at the facility during the time that applicant worked there.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the application for licensure under the provisions of SDCL Chapter 36-4, the Medical Practices Act.
2. The applicant has the burden of proving that he is competent and that he is of good moral character.

3. The Board has the power to refuse to grant a license for unprofessional, immoral or dishonorable conduct on the part of the applicant.

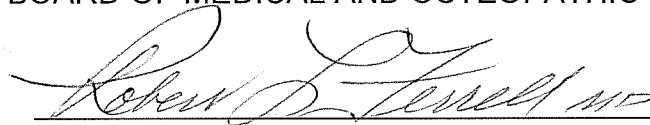
4. In determining whether to grant a license to an applicant, the Board may consider discipline of the applicant by another state.

5. The Board has evidence that the applicant has unresolved licensure actions in other states and has not met his burden of proving that he is competent, professional, and free from unprofessional conduct.

IT IS HEREBY ORDERED that the Findings of Fact and Conclusions of Law herein are approved.

Dated this 26th day of March, 2008

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS



Robert L. Ferrell, MD, President

STATE OF SOUTH DAKOTA } s.s.
MINNEHAHA COUNTY

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on the record in my office.

Executive Secretary

By MBH by yip

Date 3-26-08

THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE
APPLICATION FOR SOUTH DAKOTA
MEDICAL LICENSURE SUBMITTED
BY JOSE VEIZAGA-MENDEZ, MD

ORDER APPROVING
FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Whereas, the Members of the South Dakota Board of Medical and Osteopathic Examiners having been advised in the premises did affirm the Findings of Fact and Conclusions of Law in their entirety, and for good cause thereby shown, it is hereby ORDERED that the Findings of Fact and Conclusions of Law dated the same date herein are approved and affirmed in their entirety, and it is further ORDERED that the application for licensure is denied.

Dated this 26th day of March, 2008

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS



Robert L. Ferrell, President

STATE OF SOUTH DAKOTA } S.S.
MINNEHAHA COUNTY }

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on the record in my office.

Executive Secretary

By M. H. Ky p

Date 3-26-08