

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TIMOTEO GALVEZ, M.D.,
RESPONDENT.

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:

FINAL DECISION AND ORDER
89 MED 203

The parties to this action for the purposes of Wis. Stats. sec. 227.53
are:

Timoteo L. Galvez, M.D.
P.O. Box 5367
Madison, WI 53705

State of 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

The parties in this matter agree to the terms and conditions of the
attached Stipulation as the final disposition 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. That Timoteo L. Galvez, Respondent herein, P.O. Box 5367, Madison,
Wisconsin 53705, is duly licensed to practice medicine and surgery in the
State of Wisconsin and that his license bears number 20507 and was granted on
November 16, 1976.

2. Dr. Galvez has been using an Interro System consisting of a Wiese PC
Hard drive 286, a Sony Trinitron Monitor, a Citizen Printer, a Wiese
Keyboard, and Interro imprinter device, Model number 2046, manufactured by
Consolidated Research and Technology, Inc., d/b/a Esion, Inc., Pleasant
Grove, Utah for the diagnosis and treatment of allergies and other medical
conditions since about 1985 in his practice of medicine.

3. The manufacturer informed Dr. Galvez at the time of purchase that
the FDA had granted an Investigational Device Exemption (IDE) for the Interro
System. However, the FDA informed the Division of Enforcement that no
exemption for the Interro System has ever been applied for or granted to
Consolidated Research and Technology, Inc., or Esion, Inc.

4. Esion, Inc., has been subject to corporate liquidation and the manufacture of the Interro System has been discontinued.

5. The Board believes the Interro System does not provide reproducible output data with sufficient accuracy to establish a reliable basis for diagnosis or treatment of medical conditions in the practice of medicine.

6. Under the circumstances reflected in these Findings, continued use of The Interro System by the Respondent could represent a substantial danger to the health, welfare or safety of the public.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to sec. 448.02(3), Wis. Stats.

2. The Wisconsin Medical Examining Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

ORDER

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

IT IS FURTHER ORDERED that Dr. Timoteo L. Galvez, M.D. shall hereby cease and desist in his use of the Interro System for diagnosis and treatment of any medical conditions whatsoever in his practice of medicine.

Dated this 16 day of December, 1992.

B. Ann Neviasser
B. Ann Neviasser, Secretary
Medical Examining Board

RRH:pp
ATTY-2126

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	STIPULATION
TIMOTEO GALVEZ, M.D.,	:	89 MED 203
RESPONDENT	:	

It is hereby stipulated between Timoteo Galvez, M.D., personally on his own behalf and Roger R. Hall, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered in resolution of the pending proceedings concerning Dr. Galvez's license. The stipulation and order shall be presented directly to the Medical Examining Board for its consideration for adoption.

2. Dr. Galvez understands that by the signing of 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, and the Wisconsin Administrative Code.

3. Dr. Galvez is aware of his right to seek legal representation and has obtained legal advice prior to signing this stipulation.

4. Dr. Galvez 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 the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Medical Examining Board assigned as an advisor in this investigation may appear before the Medical Examining Board for the purpose of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Dr. Galvez in recommending the Medical Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

Timoteo L. Galvez, M.D.
Timoteo Galvez, M.D.

5 X 92
Date

Stephen Caulum
Stephen Caulum, Attorney for Respondent

10/7/92
Date

Roger R. Hall
Roger R. Hall, Attorney
Division of Enforcement

10/23/92
Date

RRH:kcb
ATY-2172

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Medical Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Medical Examining Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Medical Examining Board.

The date of mailing of this decision is December 17, 1992.