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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE APPLICATION	:	
FOR A LICENSE TO PRACTICE MEDICINE OF	:	
	:	PROPOSED ORDER
BRENT L. GUNSOLLY, M.D.,	:	Case No. LS-9107241-MED
APPLICANT.	:	

A Class I hearing in this matter was scheduled at 9 A.M. on Monday, August 12, 1991. The undersigned Administrative Law Judge received third-hand information at 4:30 P.M. on Friday, August 9, 1991 that the applicant would not contest the Board's April 30, 1991 decision to deny his application for a license (and that instead he would submit a new application).

Neither party appeared at the scheduled time for the hearing, and although I received neither oral nor written communication from the applicant directly, I will treat the applicant's non-appearance as a withdrawal of his request for a hearing. Therefore, I propose the following order, which will become effective when signed on behalf of the Medical Examining Board.

IT IS ORDERED that the Applicant's request for a hearing appealing the Board's decision denying his application for a license to practice medicine be dismissed.

Dated September 10, 1991.



John N. Schweitzer
Administrative Law Judge

Approved and signed on behalf of the Medical Examining Board:

Dated: 25 Sept., 1991.



cc: Brent L. Gunsolly, M.D.
4204 Jellinek Street
Schofield, WI 54476

Attorney Arthur Thexton
Department of Regulation & Licensing
Division of Enforcement
Madison, WI 53708-8935

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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
THE APPLICATION FOR A LICENSE OF

BRENT L. GUNSOLLY, M.D.,

Applicant

ORDER DENYING RENEWAL

On April 22, 1990, Dr. Gunsolly filed his application for a license to practice medicine and surgery in the State of Wisconsin. Because Dr. Gunsolly indicated on his application that disciplinary action had been taken against his license in the State of Iowa, he was asked to appear for oral examination in connection with his application and to appear before the board for oral interview. Dr. Gunsolly appeared before the board at its meeting of September 19, 1990, and the board considered his application on that date.

Based upon the application, and upon other information of record, the Medical Examining Board (board) and Dr. Gunsolly entered into a Stipulation by which the board agreed to issue and Dr. Gunsolly agreed to accept a limited license to practice medicine and surgery. The board's Order Granting the Limited License was issued on October 17, 1990. By the terms of the board's Order, the term of the license was for six months, and Dr. Gunsolly was required to appear at the end of that time in support of any renewal of the license. Dr. Gunsolly appeared before the board on April 18, 1991, and the board thereafter deliberated on the renewal of the license.

Based upon Dr. Gunsolly's appearance before the board and all other information of record herein, the board finds probable cause to believe that Dr. Gunsolly has violated the terms of his limited license, and therefore orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the request of Brent L. Gunsolly, M.D., for renewal of his limited license to practice medicine and surgery in Wisconsin be, and hereby is, denied.

DISCUSSION

The board's October 17, 1990, Order Granting the Limited License provides that conditions on Dr. Gunsolly's license included that he participate in the McBride

Center's Impaired Professionals Program, that he submit to random witnessed urine screens for the presence of alcohol and controlled substances, that he abstain from all personal use of alcohol and controlled substances, that he attend N.A. or A.A. meetings on a schedule as recommended by his supervising physician, and that he be responsible for submission to the board of quarterly written reports prepared by his employer and his therapist setting forth his activities and progress in his treatment and residency programs. Based on Dr. Gunsolly's own comments before the board on April 19, it appears that he has failed to comply with any of the conditions on his limited license. There is no evidence that he has participated in the McBride program, he has not had required urine screens on a weekly basis, he admits to having used Xanax on one occasion without permission, he did not discuss the need for A.A. attendance with his supervising physician and has not attended on a regular basis, he has failed to provide reports from his treatment supervisor, and has provided only one report from his residency program. It thus appears that Dr. Gunsolly has not merely failed to fully comply, but is almost fully noncompliant. In these circumstances, the board has no alternative but to deny renewal of the license.

NOTICE OF RIGHT TO REQUEST HEARING

PLEASE TAKE NOTICE that pursuant to Wis. Stats. sec. 227.42 and Wis. Adm. Code ch. RL 1, you may have a right to a hearing on the denial of the license requested. You may request such hearing if your request is received in the office of the Medical Examining Board within thirty days of the date hereof. The request must include your name and address, the type of license for which you have applied, the reasons why you have requested a hearing, the facts which you intend to prove at hearing, and an explanation of the mistake you believe was made, if you claim that the denial of the license is based on a mistake in fact or law. Within 20 days of receipt of a request for hearing, the board shall grant or deny the request, but the request will be granted if the foregoing requirements are met. If the request for hearing is granted, you will be notified of the time, place and nature of the hearing. If the request for a hearing is denied, you will be notified in writing of the reason for denial.

Dated this 30 day of April, 1991.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by Michael P. Melr, M.D.
Michael P. Melr, M.D.
Secretary

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
THE APPLICATION FOR A LICENSE OF

BRENT L. GUNSOLLY, M.D.,

Applicant

ORDER GRANTING THE LIMITED LICENSE

On April 22, 1990, Dr. Gunsolly filed his application for a license to practice medicine and surgery in the State of Wisconsin. Because Dr. Gunsolly indicated on his application that disciplinary action had been taken against his license in the State of Iowa, he was asked to appear for oral examination in connection with his application and to appear before the board for oral interview. Dr. Gunsolly appeared before the board at its meeting of September 19, 1990, and the board considered his application on that date.

Based upon the application, and upon other information of record, the board and Dr. Gunsolly entered into a Stipulation by which the board agreed to issue, and Dr. Gunsolly agreed to accept, a limited license to practice medicine and surgery. The board's Order Granting the Limited License was issued on October 17, 1990. By the terms of the board's Order, the term of the limited license was for six months, and Dr. Gunsolly was required to appear at the end of that time in support of any renewal of the license. On April 18, 1991, Dr. Gunsolly appeared before the board in support of renewal of the license. Based on probable cause to believe that Dr. Gunsolly had violated the terms of his limited license, the board denied renewal of the license.

On September 9, 1991, Dr. Gunsolly petitioned the board for reinstatement of the limited license, and appeared in support of his petition at the board's meeting of September 25, 1991. Based upon the petition and all other information of record herein, the board orders as follows:

NOW, THEREFORE, IT IS ORDERED that the limited license of Brent L. Gunsolly, M.D., be, and hereby is, reinstated subject to the following terms and conditions:

1. Applicant shall participate in and complete the chemical dependency treatment program at the McBride Center for Impaired Professionals, Milwaukee, Wisconsin, under the supervision of Charles J. Engel, M.D., or Dr. Engel's designee.

2. As a part of his treatment program, applicant shall submit to a program of random witnessed monitoring of his blood or urine for the presence of alcohol and controlled substances on at least a weekly basis.

3. Applicant shall abstain from any and all personal use of alcohol or controlled substances, as defined by Wis. Stats. sec. 161.01(4), unless prescribed for him by his treating physician.

4 Applicant shall attend A.A. or N.A. meetings on a schedule as recommended by his treatment supervisor.

5. Applicant shall be responsible for submission to the board of formal written quarterly reports prepared by his treatment supervisor setting forth applicant's activities and progress in the treatment program, including the results of random drug screens.

6. Applicant shall be responsible for submission to the board of formal written quarterly reports prepared by the chief of his residency program setting forth applicant's activities and progress in the program.

7. Applicant shall provide and keep on file with his supervising physician and all treatment facilities and personnel current releases which comply with all applicable state and federal laws authorizing release of all of his medical and treatment records and reports to the Medical Examining Board and which permit his treating physician and therapists to disclose and discuss the progress of his treatment and rehabilitation with the Medical Examining Board and its agents. Copies of said releases shall be filed simultaneously with the Medical Examining Board.

8. The term of the license shall be for six months from the date of this Order. Applicant shall appear before the board at the end of that time in support of renewal of the license.

9. Violation of the terms and conditions of this Order shall constitute grounds for revocation of the limited license.

Dated this 6 day of October, 1991.

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

by Michael P. Mehr M.D.
Michael P. Mehr, M.D., Secretary