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STATE OF WISCONSIN

BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST

MICHAEL EDWARD ZEVITZ, M.D.,

FINAL DECISION AND ORDER

RESPONDENT.

(Case No. LS9905193MED)

Division of Enforcement

98 MED 135

The parties to this proceeding for purposes of sec. 227.53, Stats., are:

*Michael Edward Zevitz, M.D.
325 East H St.
Iron Mountain, MI 49801-4760*

*Wisconsin Medical Examining Board
1400 E. Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
1400 E. Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935*

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Michael Edward Zevitz, M.D., personally, and by Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Michael Edward Zevitz, M.D., Respondent herein, Veterans Administration Medical Center, 325 East H Street, Iron Mountain, Michigan, 49801-4760, date of birth 10/2/57, is licensed and currently registered to practice medicine and surgery in the state of Wisconsin, license #37857, said license having been granted on 6/28/96.
2. Respondent, at all times relevant to this disciplinary proceeding, was licensed to practice medicine and surgery in the state of Michigan.

COUNT I

3. On 1/30/97, the Michigan Department of Consumer and Industry Services, Office of Health Services, issued an Administrative Complaint against Respondent and commenced a disciplinary action before the Michigan Board of Medicine Disciplinary Subcommittee. The Administrative Complaint alleged that Respondent violated secs. 16221(b)(vi) and 16221(e)(i) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; MSA

14.15(1101) et seq by filing a false certification in cardiovascular disease in connection with an application for hospital staff privileges. On 4/18/97, Respondent entered into a Stipulation admitting to the violations alleged in the Administrative Complaint. On 5/21/97, the Michigan Board of Medicine Disciplinary Subcommittee entered a Consent Order finding Respondent to have acted in violation of secs. 16221(b)(vi) and 16221(e)(i) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; MSA 14.15(1101) et seq and imposing discipline consisting of a 30 day suspension of Respondent's license to practice medicine in the state of Michigan, probation for a period of one year and a fine in the amount of \$3,000.00 payable within one year of the effective date of the Consent Order. The terms of probation required that Respondent comply with the Michigan Public Health Code, perform 50 hours of community service related

to the practice of medicine, complete 25 credit hours of ethics courses pre-approved by the Disciplinary Subcommittee and pay all costs incurred in complying with the terms of the Consent Order.

COUNT II

4. On 9/14/98, the Michigan Department of Consumer and Industry Services, Office of Health Services, issued an Administrative Complaint against Respondent and commenced a disciplinary action before the Michigan Board of Medicine Disciplinary Subcommittee. The Administrative Complaint alleged that Respondent violated 1996 MR 7, R 338.1632 and sec. 16221(g) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; MSA 14.15(1101) et seq by failing to comply with the terms of the prior Consent Order dated 5/21/97. The Administrative Complaint alleged that Respondent failed to submit satisfactory evidence demonstrating completion of 25 credit hours of ethics courses and failed to pay the fine of \$3,000.00 as required by the Consent Order and by the terms of probation. On 4/5/99, following an administrative hearing on the allegations of the Administrative Complaint, the Michigan Board of Medicine Disciplinary Subcommittee entered a Final Order finding that Respondent's conduct violated sec. 16221(g) of the Public Health Code. The Michigan Board of Medicine Disciplinary Subcommittee ordered that Respondent remain on probation for a period of one year from the effective date of this Final Order and that he pay \$1,500.00 of the \$3,000.00 fine previously ordered within six months of the effective date of this Final Order with the balance to be paid prior to the end of the probationary period. The terms of probation required that Respondent complete 25 credit hours of ethics courses pre-approved by the Michigan Board of Medicine Disciplinary Subcommittee and pay all costs incurred in complying with this Final Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to sec. 448.02, Stats.
2. The Wisconsin Medical Examining Board has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.
3. Dr. Zevitz's conduct as described in paragraph 3 of the Findings of Fact was unprofessional conduct contrary to sec. 448.02(3), Stats. and Wis. Admin. Code sec. MED 10.02(2)(q) in that his license to practice medicine in the state of Michigan was suspended and was subject to other adverse action by the Michigan Board of Medicine Disciplinary Subcommittee.
4. Dr. Zevitz's conduct as described in paragraph 4 of the Findings of Fact was unprofessional conduct contrary to sec. 448.02(3), Stats. and Wis. Admin. Code sec. MED 10.02(2)(q) in that his license to practice medicine in the state of Michigan was subject to adverse action by the Michigan Board of Medicine Disciplinary Subcommittee.
5. The Wisconsin Medical Examining Board has the authority pursuant to sec. 440.22, Stats., to assess the costs of this proceeding against Dr. Zevitz.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that Michael Edward Zevitz's license to practice medicine and surgery in the state of Wisconsin, license #37857, is SUSPENDED for one (1) year from the date of this Final Decision And Order or until Dr. Zevitz presents evidence satisfactory to the Wisconsin Medical Examining Board that: (1) he has satisfied all of the terms of the Final Order of the State of Michigan dated 4/5/99; (2) his license to practice medicine and surgery in the state of Michigan has been fully restored; (3) he has complied with all of the terms of this Final Decision and Order of the Wisconsin Medical Examining Board, whichever period of suspension is greater. A copy of the Final Order of the State of Michigan, dated 4/5/99, is attached hereto and incorporated herein.

IT IS FURTHER ORDERED that Michael Edward Zevitz, M.D. will not practice or attempt to practice medicine and surgery in the state of Wisconsin while his license is suspended.

IT IS FURTHER ORDERED that Michael Edward Zevitz, M.D. will pay the costs of this proceeding in the amount of \$500.00 to the Department of Regulation And Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin, 53708-8935, within 120 days of the date of this Final Decision And Order.

IT IS FURTHER ORDERED that pursuant to sec. 448.02(4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Dr. Michael Edward Zevitz has violated the terms of this Final Decision And Order of the Wisconsin Medical Examining Board, the Board may order that the license of Dr. Zevitz to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Final Decision And Order to petition the Wisconsin Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 23rd day of June, 1999.

WISCONSIN MEDICAL EXAMINING BOARD

Ronald E. Grossman, M.D.

Member, Wisconsin Medical Examining Board