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STATE OF WISCONSIN

BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST

DAVID A. SWANSON, M.D.,

FINAL DECISION AND ORDER

RESPONDENT.

LS990623MED

Division of Enforcement Case No. 99 MED 009

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

*David A. Swanson
5720 Long Brake Trail
Edina, MN 55439*

*Medical Examining Board
PO Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935*

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 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. David A. Swanson, M.D. (DOB 02/27/37) is duly licensed to practice medicine and surgery in the state of Wisconsin (license #28287.) This license was first granted on April 10, 1987.
2. Dr. Swanson's most recent address on file with the Wisconsin Medical Examining Board is 5720 Long Brake Trail, Edina, MN 55439.
3. On September 12, 1998, the Minnesota Board of Medical Practice issued an order which conditioned and restricted the license of Dr. Swanson to practice medicine in Minnesota. Dr. Swanson has a diagnosed medical condition of narcolepsy. Dr. Swanson agreed, based upon his medical condition, to the terms and conditions imposed upon his license in Minnesota. A true and correct copy of the Stipulation and Order is attached to this document as Exhibit A. Exhibit A is incorporated into this document by reference.
4. In resolution of this matter, Dr. Swanson consents to the entry of the following Conclusions of Law and Order as a reasonable accommodation, based upon the facts and circumstances of this case.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to sec. 448.02(3), Stats. and is authorized to enter into the attached Stipulation and Order, pursuant to sec. 227.44(5), Stats.
2. The conduct described in paragraph 3, above, constitutes a violation of Wis. Admin. Code §Med 10.02(q).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

IT IS FURTHER ORDERED that the Wisconsin license of David A. Swanson (license #28287) is LIMITED as follows:

1. Dr. Swanson shall maintain complete compliance with all terms and conditions imposed upon his Minnesota license. Respondent shall arrange with the Minnesota Board for immediate submission of notification to the Department Monitor of any violation by Respondent of the Minnesota Order. Respondent, himself, agrees to submit notification to the Department Monitor of any violation by Respondent of the Minnesota Order.
2. Respondent shall notify the Board at least fifteen (15) days prior to any resumption on his part of his practice of medicine in the state of Wisconsin.
- 3. Violation of any of the terms of this Order or the conditions imposed as a result of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Dr. Swanson's license; the Board in its discretion may in the alternative deny an extension of the stay of suspension or impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.**

4. This Order shall become effective on the date of its signing.

MEDICAL EXAMINING BOARD

By Ronald Grossman, M.D.

A Member of the Board

June 23, 1999

Date