

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

IN THE MATTER OF

DISCIPLINARY PROCEEDINGS AGAINST:

JAMES J. MOZZILLO, M.D.,

RESPONDENT

FINAL DECISION AND ORDER

LS0010181MED

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

James J. Mozzillo, MD

3117 Lapidary Ln

Janesville, WI 53545

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 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. Respondent James Jos. Mozzillo (dob 2/20/49) is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #40396, first granted on 8/28/98. Respondent is an occupational health physician.
2. Respondent did, on 1/24/00, admit to DEA diversion investigators that he had consumed hydrocodone, a controlled substance, without a prescription from another practitioner. Respondent stated that he had foot and back pain, although he also admitted that his podiatrist did not know that respondent was taking hydrocodone.
3. Respondent also admitted to the investigators on that date that he had ordered hydrocodone from a wholesaler and had then dispensed the hydrocodone to a number of relatives, including some in states other than Wisconsin. Respondent admitted that he did not have patient health care records for any of these relatives, nor did he have required controlled substances inventories or dispensing records and logs. Respondent also admitted stocking and dispensing to family members and friends this and other controlled substances, including diazepam, hydrocodone cough syrup, and paregoric. Some fifty persons may have received such medications from him, over the years.
4. Respondent uses his home address for DEA registration purposes, and the controlled substances stored at his home were not secured against theft.
5. Respondent has received a Letter of Admonishment from the DEA, and has agreed to comply with all state

and federal regulations regarding controlled substances in the future.

CONCLUSIONS OF LAW

A. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to §448.02(3), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

B. The conduct described in paragraph 2, above, violated §961.38(5), Wis. Stats., and § Med 10.02(2)(p), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

C. The conduct described in paragraph 3, above, violated § Med 10.02(2)(z) and (za), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

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

IT IS FURTHER ORDERED, that James J. Mozzillo, MD, is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent shall not use his home address for his DEA registration, and shall not store controlled substances at his home, other than those which have been prescribed for him or his family for legitimate medical purposes. He shall not prescribe or dispense any prescription medication without appropriate patient health care records, complying with chs. Med 17 and 21, Wis. Adm. Code.

IT IS FURTHER ORDERED, that respondent shall pay the costs of investigating and prosecuting this matter in the amount of \$250, within 30 days of this order.

IT IS FURTHER ORDERED, that pursuant to §448.02(4), Wis. Stats., if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license and registration of respondent be summarily suspended pending investigation of the alleged violation.

Dated this October 18, 2000.

WISCONSIN MEDICAL EXAMINING BOARD

Darold A. Treffert, M.D.

A member of the Board