

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

JAMES L. CARROLL, M.D.,

FINAL DECISION AND ORDER

RESPONDENT

LS0101171MED

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

James L. Carroll, M.D.

221 East Washington Avenue

Tomahawk, WI 54487

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 Medical Examining 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. James L. Carroll, M.D., Respondent, date of birth December 23, 1946, is licensed and currently registered by the Wisconsin Medical Examining Board (Board) to practice medicine and surgery in the state of Wisconsin pursuant to license number 22874, which was first granted April 18, 1980.
2. Respondent's last address reported to the Department of Regulation and Licensing is 221 East Washington Avenue, Tomahawk, WI 54487.
3. Respondent specializes in family practice and during the time of the events set out below, practiced as a physician at the Rhinelander Medical Center, S.C., clinic located in Tomahawk, Wisconsin.
4. Respondent has, for personal reasons, resigned from the active practice of medicine and for that reason has agreed to surrender his license to practice medicine and surgery in the state of Wisconsin.

Prior Discipline

5. On December 4, 1994, the Board disciplined Respondent as a result of investigations 90 MED 038 and 91 MED 193. The Final Decision and Order issued by the Board:

- a. Found that in 1986, Respondent failed to properly manage a patient who was in alcohol withdrawal and seizing and that Respondent's conduct violated Wis. Adm. Code § MED 10.02(2)(h).
- b. Found that in 1987-1998, Respondent prescribed Dilaudid, a schedule II controlled substance, to a person he should have known was a drug abuser and that Respondent's conduct violated Wis. Adm. Code § MED 10.02(2)(p).
- c. Suspended Respondent's license to practice medicine and surgery for 25 days, from January 2, 1995 through January 26, 1995.
- d. Placed limitations on Respondent's prescribing, dispensing, administering and ordering of controlled substances, but provided that he could petition for removal of those limitations, if he completed a course entitled "Appropriate Prescribing of Controlled Substances" conducted by the Center for Substance Abuse Education and Research, Mercer University, Southern School of Pharmacy.
- e. Prohibited Respondent from practicing addictionology or providing medical care or treatment to any person suffering from drug or alcohol abuse or dependence. [This limitation remains in effect.]

6. Respondent completed "Appropriate Prescribing of Controlled Substances" conducted by the Center for Substance Abuse Education and Research, Mercer University, Southern School of Pharmacy. On July 6, 1995, the Board amended the Final Decision and Order and removed the limitations on Respondent's prescribing, dispensing, administering and ordering of controlled substances.

#### 95 MED 314

7. Respondent was Ms. A's family practitioner and provided professional services to her from prior to April 1991 through July 1995 and in December 1995.

8. During 1992, shortly after Ms. A's separation from her husband, Respondent and Ms. A began a personal/sexual relationship which continued until 1994.

9. Beginning before 1992, Respondent was Ms. B's primary health care provider. Ms. B also received services from other physicians practicing in Respondent's clinic. Respondent provided most of Ms. B's medical care from 1992 through 1995. Respondent provided Ms. B with care on 2 occasions in 1996 and on 4 occasions in 1998.

10. In September 1993, Respondent and Ms. B began a sexual relationship which continued until the summer of 1998.

11. In 1989, the Council on Ethical and Judicial Affairs of the American Medical Association issued an opinion that: "Sexual contact that occurs concurrent with the physician-patient relationship constitutes sexual misconduct. Sexual or romantic relationships with former patients are unethical if the physician uses or exploits trust, knowledge, emotions or influence derived from the previous professional relationship."

12. Respondent, by entering into and continuing sexual relationships with Ms. A and Ms. B, while each was his patient, engaged in conduct below the minimal standards of the profession.

#### CONCLUSIONS OF LAW

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

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter pursuant to §§ 227.44(5) and 448.02(5), Stats.

3. Respondent's conduct with Ms. A and with Ms. B constitutes unprofessional conduct as defined by Wis. Adm. Code § MED 10.02(h) and subjects Respondent to discipline pursuant to § 448.02(3), Stats.

#### ORDER

1. The surrender by James L. Carroll, M.D., Respondent, of his license to practice medicine and surgery in the state of Wisconsin is hereby accepted, effective immediately.

2. If Respondent ever petitions the Board for a license to practice medicine and surgery:

- a. Prior to the Board acting on Respondent's petition, Respondent shall notify the Division of Enforcement (Division) of the request and the Division shall have the opportunity make a recommendation to the Board regarding Respondent's petition.

b. Following receipt of the Division's recommendation, the Board may elect to license Respondent, with or without limitations, or to deny Respondent's petition.

c. If Respondent believes that the Board's denial of license is inappropriate or that any limitation imposed by the Board is inappropriate, Respondent may seek a class 1 hearing pursuant to § 227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The denial of license or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

The rights of a party aggrieved by this Decision to petition the Section for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 17th day of January, 2001.

Sidney Johnson

Secretary

Medical Examining Board