

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
CHARLES D. MORGAN, M.D., : FINAL DECISION AND ORDER
RESPONDENT. : LS 0808206 MED

[Division of Enforcement Case # 08 MED 207]

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

Charles D. Morgan, M.D.
7490 Ridgeside Drive
Neenah, WI 54956

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Medical Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

An Interim Order was issued by the Board on August 20, 2008 and remains in effect which suspended Respondent's license to practice medicine and surgery. The Notice of Hearing and Complaint were filed and served on August 31, 2010. The hearing is scheduled for February 2, 2010, but the parties 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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Charles D. Morgan, M.D., date of birth February 24, 1946, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin pursuant to license number 40776, which was first granted February 26, 1999. Respondent's license has been suspended since August 20, 2008.
2. Respondent's last address reported to the Department of Regulation and Licensing is 7490 Ridgeside Drive, Neenah, WI 54956.
3. Respondent's specialty is psychiatry.

4. Ms. A was diagnosed with bi-polar disorder when she was 19 years old. For approximately two years ending June 26, 2008 when Ms. A was 28 years old, Respondent was Ms. A's psychiatrist and provided her with medication checks and psychotherapy.

5. On June 17, 2008, Respondent admitted Ms. A to the Behavioral Unit at Mercy Medical Center in Oshkosh, Wisconsin for electroconvulsive therapy (ECT). While Ms. A was hospitalized, Respondent and Ms. A kissed romantically.

6. When Ms. A was discharged on Saturday, June 21, Respondent told her he wanted to talk with her and had her meet him at his office which was also in the Medical Center. She went to his office and while she was there Respondent engaged in sexual contact with her which resulted in his orgasm.

7. The following day, Respondent called Ms. A's cell phone and home phone and left a message that what had happened at the office needed to stay confidential because he could lose his license.

8. On June 26, Ms. A called her counselor and told him what had happened with Respondent. She was admitted in the Behavioral Unit at St. Elizabeth's Hospital in Appleton. While there, Ms. A contacted the Oshkosh Police Department and reported the events of June 21 to detectives. Oshkosh detectives interviewed Respondent about the events. According to their report, he said:

- a. He had developed a physical attraction for Ms. A over the past month.
- b. She was a vulnerable adult.
- c. They kissed while she was on the Behavioral Unit at Mercy Medical Center, but she was the aggressor and a predator.
- d. She came on to him and wanted him to have sexual contact with her and he finally gave in.
- e. He knew it was wrong morally, ethically and legally.

9. As a result of the police investigation, on June 30, 2008, Respondent was charged in Winnebago County Circuit Court case number 2008CF441 with two counts of violating Wis. Stat. § 940.22(2) [Sexual Exploitation by Therapist] and two counts of violating Wis. Stat. § 940.225(3) [3rd Degree Sexual Assault].

- a. On December 18, 2008, Respondent entered into a plea agreement by which:
 - 1) Respondent pled no contest and was found guilty and convicted of two counts of Sexual Exploitation by Therapist, a violation of Wis. Stat. § 940.22(2), a Class F felony.
 - 2) The two counts of 3rd Degree Sexual Assault were dismissed.
- b. On March 19, 2009, sentence was withheld and Respondent was placed on probation for a 6-year period concurrent on each count. Conditions of probation included:
 - a. 9-months jail time, with Huber privileges.
 - b. 200 hours community service.
 - c. No practicing psychology or psychiatry.

- d. No counseling people in vulnerable positions or employment that would permit Respondent to have authority over vulnerable people.
- e. Respondent registering as sex offender and complying with sex offender counseling.

10. Wis. Stat. § 940.22(2) is a law the circumstances of which substantially relate to the circumstances of the practice of medicine.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3), and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in sexual contact with his patient, has committed unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(zd), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

3. Respondent has engaged in conduct which constitutes a danger to his patient, which is unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(h), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

4. Respondent, by violating a law the circumstances of which substantially relate to the circumstances of the practice of medicine has committed unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(z), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Charles D. Morgan, M.D., of his license to practice medicine and surgery in the state of Wisconsin is hereby ACCEPTED.

2. If Respondent ever makes application to the Board for any credential:

a. Respondent shall provide proof sufficient to the Board that he does not suffer from any condition which would interfere with his practicing with reasonable safety and skill.

b. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board

c. Respondent shall, prior to becoming licensed, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$2,550.00 pursuant to Wis. Stat. § 440.22(2).

3. Payment shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

4. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By: Skala MD MBA 19 Jan 2011
A Member of the Board Date

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