

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
MARK FANTAUZZI, D.O., :
RESPONDENT. : ORDER 0002138

Division of Legal Services and Compliance¹ Case No. 12 MED 021

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

Mark Fantauzzi, D.O.
370 Faye Ave.
Circleville, OH 43113

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
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 disposition of this matter, subject to the approval of the Wisconsin Medical Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Mark Fantauzzi, D.O., (dob: November 11, 1952) is licensed in the State of Wisconsin to practice medicine and surgery, having license number 21-42424, first issued on August 4, 2000 and current through February 28, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 91 Auburn St, #J1229, Portland, ME 04103. Upon information and belief, Respondent currently resides at 370 Faye Ave, Circleville, Ohio, 43113. Respondent's specialty is anesthesiology.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. On January 27, 2010, Respondent submitted an application for registration as a Distributor of Dangerous Drugs to the Ohio State Board of Pharmacy

3. In May 2010, Respondent's application was denied by the Ohio State Board of Pharmacy due to Respondent "knowingly made a false or misleading statement with purpose to secure the license applied for," to wit: "that (Dr. Fantauzzi is) a 'sole proprietor' when in fact the site to be licensed is owned by another unlicensed individual who employs (Mark R. Fantauzzi, D.O.) by contract." The owners hire or contract with doctors to issue prescriptions for controlled substances for other than legitimate medical purposes or outside the usual course of professional practice.

4. After an oral hearing on September 14, 2010, before the Ohio State Board of Pharmacy, the Board denied Respondent's request to withdraw the application and upheld the denial of the application for licensure. However, Respondent's attorney for the State Medical Board of Ohio matter states "Dr. Fantauzzi steadfastly maintains that he did not knowingly provide any false or misleading information in the completion of the (*F Application for Registration as A Distributor of Dangerous Drugs*) in order to secure a license to practice as a Terminal Distributor of Dangerous Drugs despite the Board's findings."

5. On May 17, 2011, The United States Department of Justice, Drug Enforcement Administration (DEA) issued an Order to Show Cause and Immediate Suspension of Registration as a practitioner in Schedules II-V upon allegations raised by the Ohio Board of Pharmacy. Further, the DEA alleged Respondent prescribed controlled substances for other than legitimate medical purposes or outside the usual course of professional practice; and that as a result, a patient of Respondent's died from an overdose of drugs prescribed by him.

6. On September 14, 2011, Respondent voluntarily surrendered his DEA Controlled Substances privileges.

7. On October 11, 2011, Respondent executed an agreement to surrender his license to practice osteopathic medicine and surgery in Ohio with consent to revocation.

8. On November 9, 2011, the State Medical Board of Ohio permanently revoked Respondent's license based on the surrender.

CONCLUSIONS OF LAW

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

2. By the conduct described in the Findings of Fact, Respondent Mark Fantauzzi, D.O., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(q) by having disciplinary action taken in another state.

3. By the conduct described in the Findings of Fact, Respondent Mark Fantauzzi, D.O., engaged in unprofessional conduct pursuant to Wis. Admin. Code § MED 10.02(2)(q) by surrendering his Drug Enforcement Administration Certificate of Registration.

4. As a result of the above violations, Mark Fantauzzi, D.O., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Mark Fantauzzi, D.O.'s, license to practice medicine and surgery (21-42424) in the State of Wisconsin is REVOKED.

3. Pursuant to Wis. Stat. 448.02(6), "The board may restore any license, certificate or limited permit which has been voluntarily surrendered or revoked under any of the provisions of this subchapter, on such terms and conditions as it may deem appropriate."

4. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$963.00

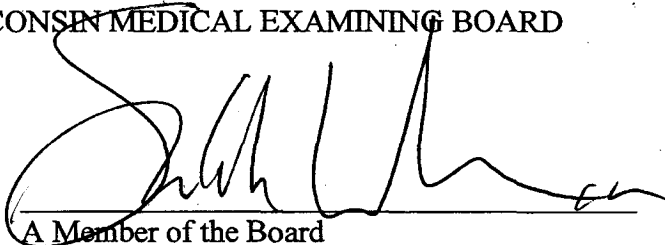
5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

WISCONSIN MEDICAL EXAMINING BOARD

by:


A Member of the Board

11/14/12
Date