

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : **FINAL DECISION AND ORDER**
MICHAEL C. MACATOL, M.D., :
RESPONDENT. : **ORDER 0002204**

Division of Legal Services and Compliance¹ Case No. 11 MED 277

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

Michael C. Macatol, M.D.
5 Hickory Lane
Marietta, OH 45750

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 decision of this matter, subject to the approval of the 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 Michael Christopher Macatol, M.D., (dob: January 23, 1971), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 20-45503, first issued on April 10, 2003. Respondent's registration to practice under that license expired on October 31, 2011, but may be renewed as of right upon payment of fees, until October 31, 2016. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is 5 Hickory Lane, Marietta, Ohio 45750. Respondent has a certificate in diagnostic radiology from the American Board of Radiology. He is, or has been, licensed in Kentucky, Ohio, Pennsylvania, and Virginia.

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

2. On August 4, 2011, the Kentucky Board of Medical Licensure issued a Default Order of Revocation Pursuant to KRS 311.599. The basis for the revocation was as follows:

a. In July 2010, the Kentucky Board opened an investigation after receiving notification from Respondent's employer, Taylor Regional Hospital in Campbellsville, Kentucky, that he had reported to work under the influence of alcohol (with a blood alcohol level of .13% by weight) and as a result was dismissed from practice at that hospital.

b. Failing to complete an impairment evaluation.

3. On September 21, 2011, the Virginia Board of Medicine suspended Respondent's license to practice medicine in the Commonwealth of Virginia, by reason of the revocation of his Kentucky license.

4. On January 13, 2012, the Pennsylvania State Board of Medicine indefinitely suspended Respondent's Pennsylvania license to practice medicine, because of the Kentucky and Virginia actions, and because Respondent falsely stated that he had not had his practice privileges denied, revoked or restricted in a hospital or healthcare facility, when he renewed his Pennsylvania license. In fact, Respondent had already been terminated by his employing hospital, as set forth in paragraph 3.a., above, at the time he renewed his Pennsylvania license on September 20, 2010.

5. On March 4, 2012, Respondent entered into a consent agreement with the State Medical Board of Ohio, providing for monitored treatment of Respondent. Pursuant to that agreement, his medical license was reinstated in Ohio effective October 10, 2012, subject to probationary terms, conditions, and limitations based on his having been deemed capable of practicing according to acceptable and prevailing standards of care so long as treatment and monitoring requirements are in place. The agreement is to remain in effect for at least five years prior to any request for termination.

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 and Order, pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Michael C. Macatol, M.D., engaged in conduct defined by Wis. Admin. Code § Med 10.02(2)(q), by having disciplinary action taken against his Kentucky license to practice medicine and surgery by the Kentucky Board of Medical Licensure.

3. As a result of the above conduct, Michael C. Macatol, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. The medicine and surgery license issued to Michael C. Macatol, M.D., (license number 20-45503), including the right to re-register the license, is **SUSPENDED** for an **INDEFINITE PERIOD OF TIME**.
3. The suspension is **STAYED** on the condition that Respondent shall comply, and remain in compliance, with all conditions of the consent agreement with the State Medical Board of Ohio, including any successor agreements.
 - a. In conjunction with any request to renew his registration by Respondent, the Board shall require documentation of Respondent's compliance with the terms and conditions imposed against his license to practice medicine in Ohio.
 - b. In the exercise of its discretion, the Board in addition may require a personal appearance by Respondent to answer questions in conjunction with his petition. The Board may in addition require the Respondent to undergo and may consider the results of one or more physical, mental or professional competency examinations if the Board believes that the results of any such examinations may be useful to the Board.
3. The Board or its designee may, without hearing, remove the stay upon receipt of information that Respondent is in substantial or repeated violation of any provision of the Ohio consent agreement. A substantial violation includes, but is not limited to, a positive drug or alcohol screen. A repeated violation is defined as the multiple violation of the same provision or violation of more than one provision. The Board may, in conjunction with any removal of any stay, prohibit the Respondent for a specified period of time from seeking a reinstatement of the stay under paragraph 5.
4. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:
 - a. Mailing to Respondent's last-known address provided to the Department of Safety and Professional Services pursuant to Wis. Stat. § 440.11; or
 - b. Actual notice to Respondent or Respondent's attorney.
5. The Board or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the Ohio consent agreement and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.
6. If Respondent requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. SPS 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent's request, unless waived by Respondent. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

7. Within 60 days from the date of this Order, Michael C. Macatol, M.D., shall pay costs of this matter in the amount of \$400.

8. Payment of costs shall (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

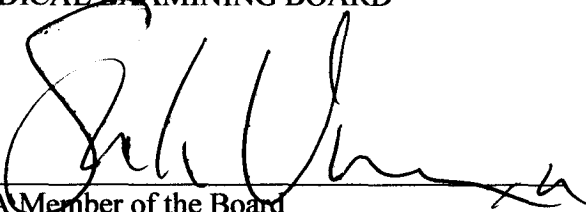
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
Division of Enforcement
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSmonitoring@Wisconsin.gov

8. Violation of any terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered, the Respondent's license (No. 20-45503) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

MEDICAL EXAMINING BOARD

By


A Member of the Board

akt

12/12/12
Date