

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	INTERIM ORDER
	:	92 MED 005
ROGER MATTSON, M.D.,	:	
RESPONDENT.	:	

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

Roger Mattson, M.D.  
c/o Northeast Regional Correction Center  
5378 Munger Shaw Road  
Saginaw, MN 55779

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 an interim disposition 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. Roger Mattson, Respondent, is a physician duly licensed to practice medicine and surgery in the State of Wisconsin under license #17403 which was granted on October 22, 1970.
2. That on May 28, 1992, Respondent was served with copies of a Notice of Hearing and Complaint related to allegations contained in investigative file 92 MED 005.
3. That a hearing on the allegations contained in the Complaint was scheduled for June 22, 1992.
4. Respondent is currently incarcerated in the Northeast Regional Correction Center, Saginaw, Minnesota and is unable to attend any evidentiary hearing on the allegations contained in the complaint.
5. Respondent disagrees with the allegations of wrongdoing set out in the Complaint and desires to defend himself against those allegations at a full evidentiary hearing.

6. Respondent agrees to the suspension of his license to practice medicine and surgery in the State of Wisconsin until the matters raised in the Complaint are resolved.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stats. sec. 448.02(3) and 227.44(5).

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED, that Respondent's license to practice medicine and surgery in the State of Wisconsin is suspended immediately.

IT IS FURTHER ORDERED that upon the entry of a Final Decision and Order regarding the allegations in this matter, the suspension pending hearing shall end.

IT IS FURTHER ORDERED that Respondent shall notify the Medical Examining Board, the Administrative Law Judge, John Schweitzer, and Attorney Pamela M. Stach, Department of Regulation and Licensing, Division of Enforcement of his release date from the Northeast Regional Correction Center, Saginaw, Minnesota, at least 30 days prior to the date of such release.

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

Dated at Madison, Wisconsin this 23 day of July, 1992.



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B. Ann Neviasek  
Secretary  
Wisconsin Medical Examining Board

PMS:lmf  
ATY-2119

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	STIPULATION
	:	92 MED 005
ROGER MATTSON, M.D.,	:	
RESPONDENT.	:	

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It is hereby stipulated between Roger Mattson, M.D., personally and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Roger Mattson, Respondent herein, 1015 Medical Arts Building, Duluth, Minnesota 55802, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license #17403 which was granted on October 22, 1970.
2. A formal complaint is pending before the Wisconsin Medical Examining Board and Administrative Law Judge John Schweitzer based upon allegations contained in file #92 MED 005.
3. A hearing on the formal complaint had been scheduled for June 22, 1992.
4. Respondent is currently incarcerated at the Northeast Regional Correction Center, 5378 Munger Shaw Road, Saginaw, Minnesota 55779 with an expected release date in November, 1992.
5. Respondent has requested an adjournment of the hearing pending his release.
6. An adjournment has been granted until December 7, 1992, upon the condition that the parties execute an agreement for an Interim Order upon the terms set forth in the Memorandum of Prehearing Conference dated June 10, 1992, and attached hereto.
7. In consideration of the facts set forth herein, the parties agree to entry of the attached Interim Order.
8. Violation of the terms and conditions specified in this Stipulation and Interim Order shall constitute a basis for a summary suspension of Respondent's license pursuant to Wis. Stats. sec. 448.02(4).
9. The parties agree to waive any proposed decision of the Administrative Law Judge and submit this Stipulation and Interim Order directly to the Medical Examining Board. All parties agree that counsel for the parties and the Board Advisor assigned to this case, may appear before the Board in open session to argue on behalf of acceptance of this Stipulation.

10. This Stipulation and Interim Order, if adopted and entered by the Medical Examining Board, shall become effective upon signing.

11. In the event any term or condition of this Stipulation and Interim Order is not accepted or entered by the Medical Examining Board, then no term of this Stipulation and Interim Order shall be binding in any manner on any party to this Stipulation.

Dated: July 13, 1992

Pamela M. Stach  
Pamela M. Stach, Attorney  
Department of Regulation and Licensing

I, Roger Mattson, M.D., having read the above Stipulation and understanding its terms, do hereby freely, voluntarily and knowingly enter into this Stipulation.

Dated: July 8, 1992

Roger Mattson, M.D.  
Roger Mattson, M.D.  
Respondent

FMS:lmf  
ATY-2118

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST  
ROGER MATTSON, M.D.,  
RESPONDENT.

:  
:  
: MEMORANDUM OF PREHEARING CONFERENCE  
: AND NOTICE OF RESCHEDULED HEARING  
: Case No. LS-9205281-MED  
: (92 MED 005)

To: Attorney Michael S. Husby  
300 Missabe Bldg.  
Duluth, MN 55802


Attorney Pamela Stach  
Department of Regulation and Licensing  
Division of Enforcement  
Madison, WI 53708-8935

A telephone prehearing conference was conducted in this matter on this date, in which Attorney Husby informed the undersigned administrative law judge that the Respondent is currently incarcerated, and requested an adjournment of the hearing scheduled for June 22, 1992. Mr. Husby explained that he is not licensed to practice law in Wisconsin, but that he had represented Dr. Mattson in the disciplinary proceeding in Minnesota, and that Dr. Mattson had requested his assistance. Mr. Husby's participation in this prehearing conference does not constitute practice in Wisconsin.

Attorney Stach agreed that an adjournment would be appropriate, but on behalf of the Medical Examining Board she insisted that if the hearing is delayed the interest of the public be protected by an interim order or agreement that Dr. Mattson will not practice under his Wisconsin license until this matter is resolved. Mr. Husby agreed to convey this information to Dr. Mattson, and to receive a proposed stipulation from Ms. Stach and transmit it to Dr. Mattson for his signature. On agreement of the parties, and with the understanding that a stipulation agreeable to Ms. Stach is signed by Dr. Mattson, the hearing will be rescheduled. It was further understood by the parties and agreed to, that an Answer to the Complaint in this matter will be due within twenty days of Dr. Mattson's release from the Northeast Regional Correction Center, and that the newly-scheduled hearing date may be rescheduled again upon request and for good cause.

PLEASE TAKE NOTICE that the hearing in this matter previously scheduled for June 22, 1992 is rescheduled to December 7 and December 8, 1992 in Room 133, 1400 East Washington Ave., Madison, Wisconsin, to commence at 9:00 A.M. on the 7th.

Dated June 10, 1992.

  
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John N. Schweitzer  
Administrative Law Judge  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each, and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

### 1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Medical Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

### 2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Medical Examining Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Medical Examining Board.

The date of mailing of this decision is July 24, 1992.