

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	ORDER OF SUMMARY SUSPENSION
 MICHAEL KUSHNARYOV, M.D.	:	 96 MED 339
RESPONDENT.	:	

This matter came before the Board at its regular and properly noticed meeting on September 25, 1996. The appearances were Arthur Thexton, Prosecuting Attorney. Respondent's attorney, David Geraghty of Milwaukee, sent a letter to the Board acknowledging service of the Petition and stating that respondent would not appear, but did not admit the allegations of the petition or waive any other rights.

FINDINGS OF FACT

1. Respondent is Michael Kushnaryov, with an address of 4025 N. 92nd St, Wauwatosa, WI 53222. Respondent is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #25516.
2. There is probable cause to believe that respondent has obtained without prescription and self-administered meperidine, a Schedule II controlled substance, for non-medical purposes.
3. The facts cited above give rise to a reasonable inference that respondent is an immediate danger to patients and the public. Respondent's conduct is such that the public health, safety and welfare imperatively require emergency suspension of respondent's license until such time as respondent can demonstrate that he can practice with skill and safety to patient and public.
4. A formal complaint alleging that respondent has committed unprofessional conduct has been filed.
5. Respondent was informed of this Notice and Petition for Summary Suspension, on 9/17/96 by personal service, and due and sufficient service has been acknowledged by respondent's attorney.

CONCLUSION OF LAW

6. The legal requirements for summary suspension pursuant to ch. RL 6, Wis. Adm. Code, have been fulfilled.

ORDER

NOW, THEREFORE, IT IS ORDERED: the license of Michael Kushnaryov, M.D. to practice medicine and surgery is **SUSPENDED** for thirty days, pending a final decision and order in this matter. Respondent shall surrender his credentials to the Board or any department staff requesting them, forthwith.

IT IS FURTHER ORDERED, that respondent may request a hearing to show cause why this suspension order should not be continued, and may file such request with John N. Schweitzer, as the Administrative Law Judge assigned to this matter, at Box 8935, Madison, WI 53708-8935. A hearing on such request shall be scheduled within 20 days of the date the ALJ receives such request, unless respondent agrees to a later date.

Authority to extend the suspension pending final decision and order in this matter is delegated to the Administrative Law Judge assigned to this matter, subject to the Board's review of any such interlocutory decision.

Dated this September 25, 1996,

WISCONSIN MEDICAL EXAMINING BOARD, by:

W. A. Schwartz, MD
A member of the board

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BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

MICHAEL KUSHNARYOV, M.D.,
RESPONDENT.

AFFIDAVIT OF SERVICE

Katie Rotenberg, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on September 26, 1996, she served the following upon the respondent's attorney:

Order of Summary Suspension dated September 25, 1996

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondent's attorney at:

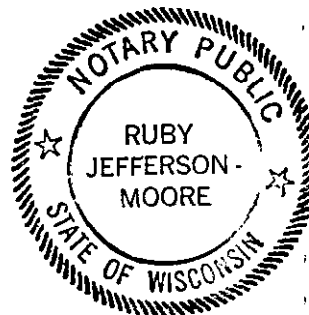
David Geraghty, Attorney
3127 W. Wisconsin Avenue
Milwaukee, WI 53208
Certified P 213 148 325

Katie Rotenberg
Katie Rotenberg
Department of Regulation and Licensing

Subscribed and sworn to before me

this 26th day of September, 1996.

Ruby Jefferson-Moore
Notary Public
Dane County, Wisconsin
My Commission is Permanent



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.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

September 26, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)