

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

MARK M. BENSON, M.D.,

Respondent

ORDER RENEWING THE LICENSE AND DENYING PETITION

On July 24, 1996, the Medical Examining Board issued its Final Decision and Order in the above-captioned matter. By the terms of the board's order, respondent's license to practice medicine and surgery in Wisconsin was suspended for a period of not less than five years, with provision for consecutive three-month stays of the suspension conditioned upon compliance with certain conditions and limitations on the license. These include that Dr. Benson continue successful participation in an acceptable drug and alcohol treatment program, and that as a part of the program, he submit to random, monitored screening of his blood or urine for alcohol and drugs on a twice-weekly basis.

By letter dated August 29, 1996, Dr. Benson, by Attorney Paul R. Erickson, requested that the stay of suspension be renewed for three months, and petitioned as well for a reduction in the number of required urine screens from two to one per week. The board considered the matter at its meeting of September 25, 1996, and denied the request by its Order dated October 1, 1996.

By letter dated November 7, 1996, Dr. Benson petitioned for a further three-month stay, and again requested a reduction in the number of required urine screens. The board considered the matter at its meeting of November 20, 1996, and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the stay of the suspension of the license of Mark M. Benson, M.D., be and hereby is, renewed for a period of three months.

IT IS FURTHER ORDERED that the petition of Dr. Benson for a reduction in the number of required drug and alcohol screens from two per week to one per week is denied.

DISCUSSION

The board's Final Decision and Order in this matter, which was based upon a Stipulation, requires that Dr. Benson meet with the board on an annual basis, and specifies that he may petition for modifications to the limited license at the time of such appearances. Instead, Dr. Benson has petitioned the board for modification of the terms of limitation on two occasions in the first five months following issuance of the board's Order. Should Dr. Benson wish to again petition for modifications to his license, he may do so at the time of his required appearance in July, 1997, and the board will consider any such petition at that time. His current petition, however, is premature.

Dated this 4th day of January, 1997.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by W.R. Schwartz, M.D.
W.R. Schwartz, M.D.
Secretary

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Mark M. Benson, M.D.,

AFFIDAVIT OF MAILING

Respondent.

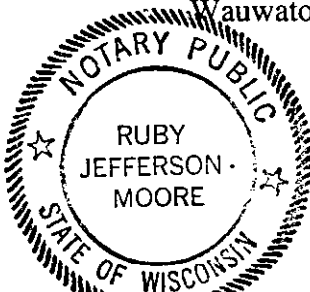
STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On January 7, 1997, I served the Order Renewing the License and Denying Petition dated January 4, 1997 upon the Respondent Mark M. Benson, M.D. and his attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and his attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the Respondent's envelope is P 213 340 368 and the certified mail receipt number on his attorney's envelope is P 213 340 369.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address:

Mark M. Benson, M.D.
2323 N. Mayfair Road #507
Wauwatosa WI 53226

Paul R. Erickson, Attorney
735 N. Water Street
Suite 1400
Milwaukee WI 53202-4267



Subscribed and sworn to before me

this 7th day of January, 1997.

Ruby Jefferson-Moore

Notary Public, State of Wisconsin
My commission is permanent.

Kate Rotenberg
Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel