

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

DAVID L. GRODEN, M.D.,

Respondent

ORDER MODIFYING THE FINAL DECISION AND ORDER

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 until he was released from prison and for an additional period of five years thereafter. The Order provided that upon his release from prison, he was permitted to apply for consecutive three month stays of the suspension, which would be granted conditioned upon his complying with specified limitations on the license during the prior three month period. Limitations included successful participation in a drug and alcohol treatment program, including individual and/or group therapy, and participation in a program of random, witnessed drug screens for alcohol and controlled substances on a twice-weekly basis.

By letter dated September 4, 1997, respondent, by Attorney Randall J. Standfort, petitioned the board for modification of paragraph "a." of the board's Order, relating to the stay of suspension of respondent's license. The petition requests that the term of the suspension be modified to seven years and that the effective date of the stay be changed from the date of his release from prison to October 1, 1997. The proposed modification would add the condition that, notwithstanding the effective date of the stay, respondent would be prohibited from the practice of medicine and surgery until he has been referred to a community corrections center or similar facility. The purpose of the requested modifications is to avoid a decision by the U.S. Department of Health & Human Services to exclude respondent from participation in any federal health care program. The board considered the petition at its meeting of September 19, 1997.

Based upon respondent's request, and upon all other information of record herein, the board orders as follows:

ORDER

IT IS HEREBY ORDERED that paragraph "a." of the board's Order, as set forth in the Final Decision and Order in the above-captioned matter dated July 24, 1996, is hereby modified to read as follows:

IT IS FURTHER ORDERED that effective July 24, 1996, the license to practice medicine and surgery of Respondent is suspended for a period of not less than seven (7) years. Respondent shall notify the Department Monitor of the date of his actual release from prison, and any conditions of release. The suspension is stayed for a period of three months beginning October 1, 1997, conditioned upon compliance with the conditions and limitations outlined below.

a. Respondent may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed on the Respondent for rehabilitation and practice during the prior three (3) month period. Notwithstanding any stay of suspension, Respondent shall not engage in the practice of medicine or surgery until such time as he has been referred to a community corrections center or similar facility, and only under the terms and contained within this Order. "Three months" means until the third regular Board meeting after the meeting at which the stay of suspension is granted.

IT IS FURTHER ORDERED that all other terms and conditions of the Final Decision and Order in this matter dated July 24, 1997, shall remain in full force and effect.

Dated this 19th day of September, 1997.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by Glenn Hoberg M.D.
Glenn Hoberg D.O.
Secretary

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

In the Matter of Disciplinary Proceedings Against

David L. Groden, M.D.,

AFFIDAVIT OF MAILING

Respondent.

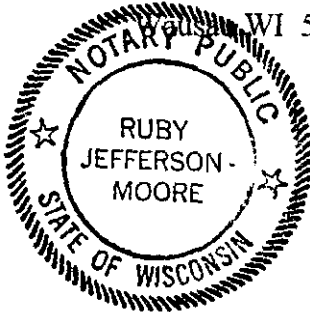
STATE OF WISCONSIN)
)
COUNTY OF DANE)


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 September 30, 1997, I served the Order Modifying the Final Decision and Order dated September 19, 1997 upon the Respondent David L. Groden's 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's 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 envelope is P 221 159 563.

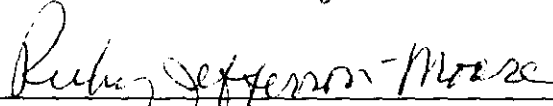
Randall J. Standfort, Attorney
555 Scott Street
P.O. Box 8063
Madison, WI 54402-8063





Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me
this 30th day of September 1997.



Notary Public, State of 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 30, 1997

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.)