

# 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  
DISCIPLINARY PROCEEDINGS AGAINST

DAVID L. GRODEN, M.D.,

Respondent

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ORDER MODIFYING THE FINAL DECISION AND ORDER

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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, and granted the request by its Order dated September 19, 1997.

At its meeting of June 24, 1998, the board considered Dr. Groden's further request that the Final decision and Order be modified to accept the weekly urine screens carried out by the Department of Corrections during the period until August 7, 1998, when he is released from confinement. Based upon that request, the board orders as follows:

### ORDER

NOW, THEREFORE, IT IS ORDERED that paragraph # 9 of the board's Final Decision and Order in this matter dated July 24, 1996, shall be modified to read as follows:

9. Until August 7, 1998, respondent shall supply random monitored urine, blood or hair specimens required by the Department of Corrections as a condition of respondent's release from prison. Commencing on August 7, 1998, respondent shall supply on at least a twice-weekly basis random monitored urine, blood or hair specimens as the supervising health care provider shall direct. The supervising health care provider (or his or her designee) shall request the specimens from respondent and these requests shall be random with respect to the hour of the day and the day of the week. In addition, the Medical Examining Board or its designee may at any time request a random monitored urine, blood or hair specimen from respondent by directing the department monitor in the Department of Regulation and Licensing, Division of Enforcement, to contact respondent and request respondent provide a specimen. To prevent the respondent's ability to predict that no further screens will be required for a given period, the program of monitoring shall require respondent to provide in each quarter at least two random screenings in excess of the minimums specified in this Order.

IT IS FURTHER ORDERED that all other terms and conditions of the Final Decision and Order in this matter dated July 24, 1997, as modified by the board's Order dated September 19, 1997, shall remain in full force and effect.

Dated this 26<sup>th</sup> day of July, 1998.

STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

by Wanda Roever  
Wanda Roever  
Board Secretary

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

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In the Matter of Disciplinary Proceedings Against

David L. Groden, M.D.,

AFFIDAVIT OF MAILING

Respondent.


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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:

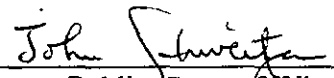
1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On July 16, 1998, I served the Order Modifying the Final Decision and Order dated July 9, 1998 upon the Respondent David L. Groden, M.D. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and 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 Z 233 819 601.
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 and is:

David L. Groden, M.D.  
509 W. 5th Street  
Marshfield WI 54449

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

Subscribed and sworn to before me

this 16<sup>th</sup> day of July, 1998.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.

## NOTICE OF RIGHTS OF APPEAL

TO: DAVID L GRODEN MD

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 7/16/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

### A 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

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

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

### B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

### SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue  
P.O. Box 8935  
Madison WI 53708-8935