

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 DENYING REQUEST

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 it by its Order dated September 19, 1997.

On April 8 and August 8, 1998, the board granted Dr. Groden's requests for further stays of the suspension of his license.

Pursuant to the board's Order, Dr. Groden appeared before the board on August 26, 1998. At that time, Dr. Groden requested that the board remove from the board's July 24, 1996, Final Decision and Order the prohibition against his applying for or holding a DEA registration to prescribe and dispense controlled substances. The board considered the matter on that date, and granted the request by its Order dated September 4, 1998.

On December 16, 1998, the board considered Dr. Groden's request for a further three month stay of the suspension of his license, and granted the stay by its Order dated December 18, 1998.

On March 25, 1999, the board considered Dr. Groden's request for a further three month stay of the suspension of his license, and his additional request that required urine screens be reduced from two to one per week. The request were granted by the board's Order dated March 31, 1999.

On June 23, 1999, the board considered Dr. Groden's request for a further three month stay of the suspension of his license. The board extended the stay by its Order dated July 2, 1999.

On July 22, 1999, the board considered Dr. Groden's request that required therapy sessions be reduced from once per week to twice per month. The request was supported by Dr. Groden's therapist, and the board granted the request by its Order dated August 30, 1999.

On September 23, 1999, the board considered Dr. Groden's request for a further three month stay of the suspension. The board granted the request.

On November 19, 1999, Dr. Groden appeared for his required annual appearance before the board. At that time, he requested that the board consider modifying the terms of his license to remove the reference to limitations on the license and permit him to comply with the current terms and conditions without a formal disciplinary order. The department of Regulation and Licensing has in place what is identified as the Impaired Practitioner Procedure. Under the procedure, a participant agrees to comply with conditions, including participation in a drug treatment program, therapy and drug screens; and so long as the participant is compliant, there is no disciplinary proceeding brought, and the participant's license does not carry the "limited" designation. This program is available, however, only as an alternative to disciplinary proceedings. Once a disciplinary order has been issued, it is not as a matter of department and board police possible to somehow expunge the disciplinary order and revert to a non-disciplinary alternative. Accordingly, IT IS ORDERED that Dr. Groden's request must be, and hereby is, denied.

Dated this 26th day of November, 1999.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by _____

Ronald Grossman, M.D.

Secretary