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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

MARK M. BENSON, M.D.,

Respondent

ORDER DENYING THE STAY

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 again denied the request by its Order dated January 4, 1997.

By letter dated June 17, 1997, Dr. Benson requested a further three-month stay of suspension. A subsequent letter from Dr. Engel supported a change in the number of required urine screens from two per week to one per week, and Dr. Benson appeared before the board on July 24, 1997, in support of the requests. The board considered the matter on that date and, by its Order dated July 31, 1997, reduced the number of required screens to one per week.

At its meeting of January 22, 1998, the board considered Dr. Benson's request for a further three month stay of the suspension, and granted the stay by its Order dated February 28, 1998.

By letter dated June 11, 1998, Dr. Benson requested that all limitations on his license be terminated, and he appeared before the board on July 23, 1998, in support of his request. The board considered the matter on that date, and denied the request by its Order dated August 3, 1998.

by his letter dated September 16, 1998, dr. Benson requested a further stay of the suspension of his license, and requested as well that the requirement that he submit to urine screens be terminated. The board considered the request at its meeting of October 21, 1998, and denied the request by is Order dated October 28, 1998.

On January 20, the board considered Dr. Benson's request for a further stay of the suspension. The board at that time also considered evidence that during the previous three-month period, Dr. Benson had tested positive for barbiturates. Based upon probable cause to believe that Dr. Benson has violated the terms and conditions placed on his license, the board 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, terminated, and Dr. Benson's license is therefore suspended.

Dated this 27th day of January, 1999.

STATE OF WISCONSIN MEDICAL
EXAMINING BOARD

Ronald Grossman, M.D.
Secretary

