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STATE OF WISCONSIN

BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF

DISCIPLINARY PROCEEDINGS AGAINST

FRANKLIN J. STRUWE, JR., M.D.,

FINAL DECISION AND ORDER

RESPONDENT.

LS0002241MED

99 MED 096

The parties to this action for the purposes of § 227.53, Wis. Stats., are:

*Franklin J. Struwe, Jr., M.D.
331 C North Rutland Avenue
Brooklyn, WI 53521*

*Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Franklin J. Struwe, Jr. (dob 12/05/47) is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license # 19632, first granted on September 11, 1975. Respondent has practiced in obstetrics and gynecology. Respondent states that he has not engaged in the clinical practice of medicine since May, 1998.
2. During an undetermined period of time, but including 1994, Respondent self-prescribed the controlled substance Darvocet N 100® to treat migraine headaches. In December, 1994, Respondent received an AODA evaluation at Milwaukee Psychiatric Hospital for substance abuse. Thereafter Respondent participated in the Illinois Physician Assistance program, and after July, 1997, in the Wisconsin Impaired Practitioner Procedure. Respondent was terminated from the IPP program in May, 1999, for non-compliance.

CONCLUSIONS OF LAW

3. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to §448.02(3), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

4. The conduct described in paragraph 2 above, violated sec. Med 10.02(2)(h) and (p), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER by Franklin J. Struwe, Jr. of his registration to practice medicine and surgery in the state of Wisconsin is accepted.

3. Respondent will not register or attempt to register to practice medicine and surgery in the state of Wisconsin. Respondent will not practice or attempt to practice medicine and surgery in the state of Wisconsin when not currently registered.

4. Pursuant to §448.02(4), Wis. Stats., if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license and registration of respondent be summarily suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Final Decision and Order to petition for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

Dated this 24th day of February, 2000.

WISCONSIN MEDICAL EXAMINING BOARD, by:

by: Ronald Grossman, M.D.

Board Secretary