

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## **Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions**

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### **Please read this agreement prior to viewing the Decision:**

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

---

IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

MARK M. BENSON, M.D.,

ORDER GRANTING THREE  
MONTH STAY

Respondent

---

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, 1999, 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 lifted the stay of the suspension of his license by its order dated January27, 1999.

On February 24, 1999, Dr. Benson appeared before the board to petition for renewal of the stay of suspension of his license. The board granted the stay.

On May 19, 1999, the board considered Dr. Benson's request that the board approve a change in treatment providers from Dr. Charles Engel to Dr. Barry Spiegel. Also considered was a letter from Dr. Engel, by which Dr. Engel indicates that he has no problem with relinquishing care of Dr. Benson, but that he had previously recommended to Dr. Benson that he seek a re-evaluation of his addiction recovery status, as well as a careful psychological work-up at the Mayo Clinic Rochester, Minnesota. Dr. Engel further states that Dr. Benson had initially agreed to follow through with this recommendation, then changed his mind and decided to seek a different physician. Also considered was information conveyed to the board by its agent indicating that Dr. Spiegel had agreed to accept Dr. Benson as a patient conditioned upon Dr. Benson's carrying through with Dr.

Engel's recommendation. The board approved Barry Spiegel, M.D., Mercy Hospital, Janesville, as Dr. Benson's Supervising Health Care Provider, conditioned upon Dr. Benson's full compliance with the treatment plan established by Dr. Spiegel.

Dr. Benson again appeared before the board on July 22, 1999. In the interim since his last appearance, Dr. Benson had undergone assessments performed at Rush University Behavioral Health Center, Downers grove, Illinois, and Meriter Hospital, Madison, Wisconsin. Accordingly, the board stayed the suspension of his license for an additional three months.

At its meeting of September 23, 1999, the board received information that Dr. Herbert C. White, D.O., had agreed to serve as Dr. Benson's supervising health care provider. The board approved that change by its Order dated October 2, 1999.

On October 20, 1999, and again on January 19, 2000 the board approved Dr. Benson's requests for further three month stays of the suspension of his license.

On May 11, 2000, Dr. Benson appeared at the emergency department of Oconomowoc Memorial Hospital in an intoxicated state, admitting to having consumed unprescribed controlled substances. Consequently, the board entered its Order of Summary Suspension on May 17, 2000. On July 19, 2000, the board issued a new Final Decision and Order based upon a new Stipulation, by which Dr. Benson's license was again suspended for a period of five years, and by which he was permitted to apply for a stay of suspension upon submission of a satisfactory evaluation establishing his ability to safely return to practice.

On October 18, 2000, Dr. Benson appeared before the board in support of his request for a stay of the suspension of his license. Based upon that appearance, and upon all other information of record herein, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the suspension of the license of Mark M. Benson, M.D., be, and hereby is, stayed for a period of three months. Dr. Benson may apply for further stays of the suspension, which shall be granted upon evidence of satisfactory compliance with the terms and conditions of the board's July 19, 2000, Final decision and Order during the preceding three month period.

Dated this 25<sup>th</sup> day of October, 2000.

STATE OF WISCONSIN

MEDICAL EXAMINING BOARD

Darold A. Treffert, M.D.

Secretary