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STATE OF WISCONSIN

BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF

DISCIPLINARY PROCEEDINGS AGAINST:

MATTHEW R. DICKER, M.D.

FINAL DECISION AND ORDER

RESPONDENT

LS0109201MED

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

Matthew R. Dicker, M.D.,
1319 N. Jackson, Apt. 310F
Milwaukee WI 53202

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 Matthew Ryan Dicker, M.D., (dob 12/20/68) 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 #40410, first granted on 9/11/98 pursuant to an application filed 3/30/98. Respondent is a diagnostic radiology resident. Respondent has been licensed in Maryland, but is not currently registered there.
2. On 7/21/98, respondent was found guilty of misdemeanor possession of fentanyl citrate, and placed on probation for two years by the United States District Court for the Eastern District of Virginia. The plea arrangement provided that a second charge of possession of marijuana was dismissed; US Park Police had arrested respondent on 5/12/98 and found a plastic bag of marijuana on his person, in addition to the fentanyl vial (which was in respondent's car's glove compartment). Respondent was preparing a marijuana cigarette in his parked car when the officer discovered him. Respondent did not have a DEA registration which extended to C-II substances such as fentanyl, at the time, nor did he have proper documentation for the acquisition of a Schedule II controlled substance.
3. Respondent entered an AODA treatment program pursuant to the conditions of his federal probation, and was treated from 9/8/98 to 7/99 by seeing an AODA counselor and being subject to urinalysis from 6/17/98 to

3/14/00. During this time, he satisfactorily met the goals of the program, and all of his urine screens were negative.

4. The Board has no evidence to suggest that respondent is dependent upon controlled substances or has misused any prescription drug, or that his actions have endangered patient safety.

CONCLUSIONS OF LAW

A. 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.

B. The conduct described in paragraph 2, above, violated § Med 10.02(2)(r), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that Matthew R. Dicker, MD, is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent shall, upon request of the Board or its designee, or the department or an investigator thereof, submit a sample of his blood, urine, breath, or hair (as designated by the requesting person) for analysis, forthwith upon such request.

IT IS FURTHER ORDERED, that respondent shall pay the costs of investigating and prosecuting this matter in the amount of \$900, within 30 days of this order.

IT IS FURTHER ORDERED, that 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.

Dated this September 20, 2001.

WISCONSIN MEDICAL EXAMINING BOARD

Sidney Johnson

A Member of the Board