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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

TIMOTHY S. STAACKE, M.D.,

Respondent

ORDER GRANTING STAY
AND MODIFYING CONDITIONS

The Medical Examining Board issued its Final Decision and Order in the above-captioned matter on November 15, 2000. By the terms of the board's Order, Dr. Staacke's license was suspended for not less than five years, with provision for successive three month stays of the suspension upon compliance with limitations on the license. Among other requirements, respondent was required to enroll and successfully participate in a drug treatment program acceptable to the board within five days of the date of the board's Order. Acceptable programs were stipulated to be either the Cedar Creek Counseling Center, or the Professional Recovery Network.

At the time that of the Stipulation leading to the board's Order, it was understood that respondent was enrolled in the Cedar Creek program. In fact, he had dropped his participation in that program prior to executing the Stipulation. Accordingly, on December 8, 2000, the Division of Enforcement, by Attorney Arthur Thexton filed its Notice and Motion to Terminate Stay. Mr. Thexton appeared before the board on December in support of his petition; and Dr. Staacke, along with his attorney, Raymond M. Dall'Osto, appeared in opposition, indicating that Dr. Staacke was in the process of enrolling in the Professional Recovery Network program. The board considered the matter on that date, and ordered that the stay be lifted and the suspension imposed.

On January 17, 2001, the board considered Dr. Staacke's petition for a stay of the suspension, and his request for approval of Dr. Michael Martinez as his professional mentor. The board granted the stay and approved the mentor by its Order dated January 29, 2001.

On March 22, 2001, the board considered evidence that on January 30, 2001, and again on February 1, 2001, Dr. Staacke had positive urine screens for propoxyphene. Dr. Staacke appeared on that date to offer his explanation of the positive screens, but was unable to offer any credible explanation. The board delayed any action pending expiration of the stay currently in place.

On April 18, 2001, July 18, 2001, and October 17, 2001, the board granted Dr. Staacke's requests for a further stays of the suspension.

On January 23, 2002, the board granted Dr. Staacke's request for a further stay of the suspension, and

his further request that Dr. Charles Van Norman be approved as his practice mentor.

On April 24, 2002, the board considered Dr. Staacke's request for a further stay and, in the alternative, that he be transferred to the Impaired Professional program. The board also considered Dr. Staacke's request that the number of required urine screens be reduced. The board granted the stay, but denied the requests to be transferred to the Impaired Practitioners Procedure and that the number of required urine screens be reduced.

On June 24, 2002, the board considered Dr. Staacke's requests for a further stay, that the number of required urine screens be reduced, and that Dr. Lance Longo be approved as Dr. Staacke's supervising health care provider. Dr. Staacke appeared before the board in support of his requests, along with his drug counselor and two of Dr. Staacke's colleagues at Medical College of Wisconsin. Based upon all information of record herein, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the suspension of Dr. Staacke's license to practice medicine and surgery is hereby stayed for a further period of three months.

IT IS FURTHER ORDERED that Dr. Lance Longo of Aurora Psychiatric Hospital is hereby approved as Dr. Staacke's supervising health care provider.

IT IS FURTHER ORDERED that the number of required urine screens is hereby reduced to one per week.

DISCUSSION

In his letter of June 27, 2002, Dr. Staacke asks whether there is any procedure for independent judicial or administrative review of his order, and whether an independent third party assessment would be helpful to the board.

The deadline for appealing the matter to circuit court has of course long passed, so there is probably no judicial remedy available. In terms of administrative review, it is the Medical Examining Board that has administrative jurisdiction to review its own decisions, and that is exactly what occurs each time a licensee in Dr. Staacke's position makes a request of the board.

In terms of the third party assessment, the board sees no need for information in addition to the quarterly reports it currently receives on Dr. Staacke's rehabilitative progress.

Dated this 1st day of August, 2002.

STATE OF WISCONSIN

MEDICAL EXAMINING BOARD

Virginia S. Heinemann
Secretary