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IN THE MATTER OF

DISCIPLINARY PROCEEDINGS AGAINST:

RAYMOND J. SZMANDA, D.O.,

FINAL DECISION AND ORDER

RESPONDENT

LS0206192MED

01 MED 305

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

Raymond J. Szmanda

4706 19th Street

Wausau, WI 54403

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 Raymond J. Szmanda (dob 02/17/52) 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 # 23269, first granted on July 11, 1980. Respondent is a neurologist.
2. On February 13, 2001, Respondent abandoned his medical practice due to mental health issues. Respondent did not notify his patients or provide for coverage. Respondent did not update patient records.
3. On at least one occasion after February 13, 2001, Respondent removed prescription medications from his former medical clinic without authorization and without documentation.
4. On occasion after February 13, 2001, Respondent issued prescription orders to former patients and family members without conducting a comprehensive examination and without maintaining a patient record.
5. A medical examination and evaluation of Respondent conducted October 19, 2001, by Dr. Robert Rawski, M.D., a Board certified psychiatrist, resulted in a diagnosis of major depressive disorder, recurrent, and narcolepsy, existing since at least 1995.

6. Respondent has stated his current intent to refrain from the practice of medicine.

CONCLUSIONS OF LAW

7. 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.

8. The conduct described in paragraph 2 through 5 above, violated sec. Med 10.02(2)(h), (I) and (za), 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 Raymond J. Szmanda 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 after the date of this Order. Respondent will not practice or attempt to practice medicine and surgery in the state of Wisconsin when not currently registered.

4. In the event that Respondent decides to re-establish his registration to practice medicine and surgery in the state of Wisconsin, he shall first submit to the Board for review a current medical and psychiatric examination conducted by an examiner acceptable to the Board that demonstrates to the satisfaction of the Medical Examining Board that Respondent can practice with reasonable skill and safety to patients. The Board may require additional training, treatment, or supervision, and may restore Respondent's registration to practice medicine and surgery on such terms and conditions as the Board in its sole discretion may deem appropriate. The Board may require a personal appearance by Respondent before it

5. Respondent shall pay the costs of investigating and prosecuting this matter in the amount of \$ 400.00 within 30 days of this order.

6. 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 19th day of June, 2002.

WISCONSIN MEDICAL EXAMINING BOARD, by:

By: Virginia Heinemann

Board Secretary