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IN THE MATTER OF

DISCIPLINARY PROCEEDINGS AGAINST

On January 20, 1999, 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 contingent upon compliance with a number of conditions and limitations on the license. Among other conditions, Dr. Darcy was required to enroll and successfully participate in a drug and alcohol treatment program satisfactory to the board, including participation in individual or group therapy on at least a weekly basis; to participate in AA or NA meetings at least once per week; to submit to drug and alcohol screens on a twice-weekly basis; to be responsible for submission of quarterly practice and therapy reports.

On July 19, 2000, the board considered Dr. Darcy's request for a further three month stay of the suspension of his license. The board also considered Dr. Darcy's notification to the board that his professional mentor, Dr. Mantei, was leaving in August or September, and that Dr. Darcy was in the process of acquiring a new mentor. The board ordered a stay of the suspension of the license for an additional period of three months, contingent upon his timely acquisition of a new professional mentor.

On October 18, 2000, January 17, 2001, and April 18, 2001, the board granted Dr. Darcy's requests for further three month stays of the suspension of his license.

Dr. Darcy appeared before the board on May 16, 2001, for his annual appearance. The board modified the limited license to decrease the number of required urine screens from two per week to one per week.

On July 18, 2001, the board granted Dr. Darcy's request for a further three month stay of the suspension of his license.

On October 17, 2001, the board considered Dr. Darcy's request for a further three month stay of the suspension. The board also considered evidence that on August 27, 2001, Dr. Darcy's drug screen was positive for hydrocodone. Based upon that information, the board granted a one month stay, and requested that Dr. Darcy appear before the board at its November 14, 2001 meeting.

Dr. Darcy appeared at the board's November meeting in support of his petition for a full three month stay of the suspension of his license, and the board granted that petition by its Order dated November 26, 2001.

On February 20, 2002, the board considered Dr. Darcy's requests that the stay be extended for an additional period of three months, and that the requirement for urine screens be eliminated. The board also considered evidence of irregularities in Dr. Darcy's screening procedure. Accordingly, the board granted a one month stay and asked Dr. Darcy to appear before the board at its March meeting in support of any further request for a stay of the suspension.

Dr. Darcy appeared before the board on March 20, 2002, and explained the apparent irregularities in his urine screens. The board granted the stay by its Order dated March 29, 2002.

On May 22, 2002, the board considered Dr. Darcy's request for a further three month stay of the suspension. The board also considered information that Dr. Darcy has not been in full compliance with the drug screen requirements in that he failed to appear for screens on two occasions. Additionally, the individual with whom Dr. Darcy has established a counseling relationship, Tom Smith, CADC III, is an employee of Libertas of Marinette, where Dr. Darcy is the Medical Director. The board views this as a clear conflict. Based upon all information of record herein, the board orders as follows:

NOW, THEREFORE, IT IS ORDERED that the petition for a stay of the suspension of the license of David D. Darcy, M.D., to practice medicine and surgery in Wisconsin is hereby denied. Dr. Darcy is invited to appear at the board's next meeting on June 19, 2002, in support of any further request for a stay.

Dated this 30th day of May, 2002.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

Virginia S. Heinemann
Secretary