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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

DAVID D. DARCY, M.D.,

Respondent

ORDER GRANTING STAY

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 was not 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 had established a counseling relationship, Tom Smith, CADC III, is an employee of Libertas of Marinette, where Dr. Darcy is the Medical Director. The board therefore denied the request for a stay, and invited Dr. Darcy to appear before the board at its meeting of June 19, 2002, in support of any further request for a stay.

Dr. Darcy appeared before the board on June 19, 2002, in support of his request that the stay of the suspension of his license be reinstated. At that time, the board became aware that Dr. Darcy had continued to practice even after receiving notice that the board had denied a stay in May. Further, Dr. Darcy has continued to employ Tom Smith, CADC III, as his counselor. Finally, Dr. Darcy was unable to explain a positive screen for alcohol on June 6, 2002. The board therefore denied Dr. Darcy's request for reinstatement of the stay.

On May 21, 2003, the board considered Dr. Darcy's renewal of his petition for reinstatement of the stay. Dr. Darcy appeared before the board in support of his petition. Based upon all information of record herein, the board orders as follows:

ORDER

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 granted, and the suspension of his license is stayed for a period of three months.

IT IS FURTHER ORDERED that any requirement that Dr. Darcy attend Caduceus meetings is hereby terminated.

Dated this 22nd day of May, 2003.

STATE OF WISCONSIN

MEDICAL EXAMINING BOARD

Alfred L. Franger, M.D.

Secretary