

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

DAVID D. DARCY, M.D.,

Respondent

ORDER SUSPENDING THE LICENSE

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 granted Dr. Darcy's renewal of his petition for reinstatement of the stay.

On August 20, 2003, the board considered a letter submitted by Dr. Darcy's therapist, Michael S. Goldstone, MD. Dr. Goldstone indicates that he has recommended to Dr. Darcy that he retire from the practice of medicine, and that Dr. Darcy has concurred. The board also considered that the various reports required under the board's Order have not been received. Accordingly, it is ordered as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of David D. Darcy, M.D., to practice medicine and surgery in Wisconsin is hereby suspended. Dr. Darcy may apply for reinstatement of the stay upon submission of satisfactory evidence that he has fully complied with the terms and conditions of the board's Order during the preceding three months.

Dated this 29th day of August, 2003.

STATE OF WISCONSIN

MEDICAL EXAMINING BOARD

Alfred L. Franger, M.D.

Secretary