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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	LS0411172MED
JORGE ALBERTO VALCARCEL, M.D.,	:	
RESPONDENT.	:	

FINAL DECISION AND ORDER

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

Jorge Alberto Valcarcel, M.D.
Malecon Cisneros 1434
Miraflores Lima 18
Peru

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 Medical Examining 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. Jorge Alberto Valcarcel, M.D., Respondent, date of birth July 26, 1947, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin, pursuant to license number 22237, which was first granted April 27, 1979.
2. Respondent's last address reported to the Department of Regulation and Licensing is Malecon Cisneros 1434, Miraflores Lima 18, Peru.
3. Respondent's practice specialty is internal medicine.
4. On June 8, 1981, Respondent became licensed to practice medicine by the Medical Board of California.
5. On February 5, 2002, Respondent was disciplined by the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs (Division) when he entered into a Stipulated Revocation of License and Order which was effective March 7, 2002. The disciplinary action was the result of the following:
 - a. On November 2, 1999, officers of the City of Bell, California, Police Department went to Respondent's medical office in response to a telephone call made by Respondent. Respondent informed the officers that 50 to 80 100 mg vials of Demerol, a Schedule II controlled substance, were missing as well as \$500 in cash and a number of

business checks. Respondent told the officers that he believed his estranged wife had taken the Demerol because she was addicted to the drug and only she and Respondent had keys to the office.

b. Respondent informed the officers that before he and his wife separated on October 10, 1999, he tried to treat her addiction to Demerol by injecting her with a large dosage of the controlled substance and then continuing the administration of Demerol injections in ever decreasing dosages. Respondent did not prepare or maintain any medical records for his treatment of his wife.

c. Respondent further advised the officers that this was not the first time he had discovered dangerous drugs, including Demerol, missing and he had suspected his wife.

d. At the officers' request that he show them where he kept his controlled substances, Respondent directed officers to the medicine room. Inside the medicine room, there were shelves containing various prescriptions in non-secure plastic containers. In the medicine room was a floor safe that Respondent said he used to store controlled substances such as morphine and Demerol, which he used to treat cancer patients.

e. On November 19, 1999, the Los Angeles County Superior Court issued a temporary order against Respondent's wife, restraining her from coming within 100 yards of Respondent.

f. On November 28, 1999, officers from the City of Bell Police Department again went to Respondent's medical office. Respondent had telephoned, alleging that his wife had just violated the restraining order. The officers made a report and left.

g. Approximately one hour later on November 28, 1999, City of Bell police officers returned to Respondent's medical office in response to a silent burglary alarm. When the officers arrived:

They found Respondent wandering around inside the office building.

Respondent was unresponsive to the officers' questioning.

Respondent pointed to the roof and said "He is right there, he is on the roof, he wants to kill me."

Although the officers assured Respondent that there was no one on the roof, Respondent kept insisting that there was a male on the roof and that his life was in jeopardy.

When asked why he thought his life was in danger, Respondent began to shake and babble incoherently. Respondent said that his estranged wife was trying to kill him.

Respondent appeared disoriented, confused and hysterical and could not answer simple questions. Respondent did not know the correct date.

h. Respondent was taken into custody and transported to Augustus Hawkins Mental Hospital for evaluation. Respondent was kept for evaluation for 72 hours and released.

i. On April 5, 2000, the Medical Consultant for the Medical Board of California's Woodland Hills District Office prepared a declaration under penalty of perjury in which he wrote that, based on Respondent's numerous police contacts, generally, and bizarre behavior on November 28, 1999, specifically, it was imperative that Respondent undergo an immediate psychiatric evaluation, including psychological testing, and medical examination to determine if Respondent suffered from a mental illness or physical illness affecting competency and if Respondent was able to practice medicine safely at that time.

j. On July 18, 2000, an Order Compelling Psychiatric Evaluation and Medical Examination was issued by the Division. The Order compelled Respondent to undergo a medical examination and a psychiatric examination to determine whether Respondent's ability to practice medicine in a competent and safe manner was impaired due to mental illness or to a physical illness affecting competency.

k. On July 25, 2000, Respondent was informed by written correspondence that a compelled neurological evaluation was scheduled for him for August 8, 2000 and that a compelled psychiatric examination was scheduled for him for August 11, 2000.

l. On August 8, 2000, Respondent underwent a comprehensive neurological evaluation. The evaluation consisted of a three-hour clinical interview of Respondent and review of documents. Respondent also underwent urine testing which was positive for oxazepam and nordiazepam.

m. On August 11, 2000, Respondent failed to appear for the scheduled psychiatric examination due to claimed transportation problems. The psychiatric examination was rescheduled for August 28, 2000 and transportation by a member of the Board's investigative staff was arranged.

n. On August 28, 2000, Respondent failed to appear for the scheduled psychiatric examination.

o. On August 31, 2000, the Board received a letter from Respondent, postmarked August 22, 2000 in Lima, Peru, which stated that Respondent had returned to Peru and did not plan to return to the United States.

p. Respondent's failure to appear for the scheduled August 28, 2000 psychiatric evaluation constituted a violation of the July 18, 2000 Order.

q. Based on the results of the neurological examination undergone by Respondent on August 8, 2000, the Board determined that Respondent's ability to practice medicine was impaired due to mental illness or physical illness affecting competency and that Respondent had demonstrated a lack of ability to discharge the responsibilities and duties of his licensure.

6. Respondent does not intend to return to Wisconsin to practice medicine and for personal reasons, voluntarily surrenders his license to practice medicine and surgery in the state of Wisconsin.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stats. § 448.02(3) and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. §§ 227.44(5) and 448.02(5).

2. Respondent, by having had disciplinary action taken against his California license to practice as a physician by the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, as set out above, has committed unprofessional conduct as defined by Wis. Adm. Code § Med 10.02(2)(q) and is subject to discipline pursuant to Wis. Stats. § 448.02(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the SURRENDER by Jorge Alberto Valcarcel, M.D., of his license to practice medicine and surgery in the state of Wisconsin is hereby ACCEPTED, effective immediately.

Dated at Madison, Wisconsin this 17th day of November, 2004.

Lief W. Erickson Jr., M.D.
Secretary
Medical Examining Board