

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

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**

DAVID J. CZARNECKI, M.D., :
RESPONDENT. : LS0510122MED

04 MED 64

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

David J. Czarnecki, MD
8419 River Terrace Dr.
Franklin, WI 53132

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

PROCEDURAL HISTORY

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 David Joseph Czarnecki (dob 10/14/49) 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 #25913, first granted on 7/1/84. Respondent is a diagnostic radiologist and is certified by the American Board of Radiology.
2. During the year 1996 with respect to his wife, and then from 2002-2004 with respect to family members and one family friend, Respondent engaged in the treatment of family and one family friend by dispensing legend and controlled substances to them. Respondent ordered these medications from licensed distributors and stored them at his place of hospital employment except for a brief period in 2004 after he changed jobs, when he stored them in his home, dispensing them as needed. He did not keep patient health care records for any of the persons to whom medication was dispensed. He did not keep records of the receipt, dispensing, return, or other disposal of the medications. He did not store the controlled substances at all times in a locked, substantial, and secure container. He did not take any biennial inventories of the controlled substances in his possession. The medications included hydrocodone products (liquid and pills), and small quantities of alprazolam and zolpidem.
3. Respondent has undergone a comprehensive residential evaluation at Rush Behavioral Health, and no evidence of present or historic impairment or substance abuse was found.
4. Respondent’s DEA registration is the subject of a Letter of Agreement, by which Respondent agreed not to purchase any controlled substance from any distributor or vendor, to be delivered personally to him for use outside of his regular practice at his place of employment.
5. Respondent has personally attended and successfully completed the following courses: The 40 hour “Intensive Course in Controlled Substance Management” by Case Western Reserve University, School of Medicine, Continuing Medical Education; and the 16 hour “Intensive Course in Medical Ethics and Professionalism” by Case Western Reserve University, School of Medicine, Continuing Medical Education.

CONCLUSIONS OF LAW

- A. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
- B. The conduct described in ¶2, above, violated Wis. Adm. Code § Med 10.02(2)(z) and (za), § Med 17.05(1) and (2), § Med 21.03(1) and (2), and § Phar 8.02(1), (2), and (3). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that David Joseph Czarnecki, M.D., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent shall pay the COSTS of investigating and prosecuting this matter of \$950. It is acknowledged that respondent has paid this amount.

Dated this October 12, 2005.

WISCONSIN MEDICAL EXAMINING BOARD

by: Alfred L. Franger, MD
a member of the Board