

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
 : FINAL DECISION AND ORDER  
MARSHALL L. BERMAN, M.D., : LS# 0508172MED  
RESPONDENT. :

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**Division of Enforcement Case No. 05 MED 054**

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

Marshall L. Berman, M.D.  
9046 Vista Grande Street  
West Hollywood, CA 90069

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Medical Examining Board  
Department of Regulation and Licensing  
1400 East Washington Avenue  
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. Marshall L. Berman, M.D. (DOB 08/04/1942) is duly licensed to practice medicine and surgery in the state of Wisconsin (license #20-17756). This license was first granted on October 21, 1971. Dr. Berman's specialty is internal medicine.
2. On September 25, 1996, Dr. Berman was issued an Order by the Wisconsin Medical Examining Board based on action taken by the Medical Board of California. As a result, the Respondent currently has a limited license and is not allowed to practice medicine in the State of Wisconsin without prior approval from the Board.
3. Dr. Berman's most recent address on file with the Wisconsin Medical Examining Board is 9046 Vista Grande Street, West Hollywood, CA 90069.
4. At all times relevant to this action, Respondent was working as a physician in the State of California.

5. On July 19, 2004, the Medical Board of California issued an Agreement for Surrender of License of Dr. Berman to practice medicine in the State of California. The factual basis for the imposition of discipline against Respondent in California involved his failure to comply with a previous Board Order issued October 13, 1995. The factual basis for the 1995 Board Order involved: 1) Mental illness affecting the ability to safely practice; and 2) Acts of gross negligence in his care and treatment of patients. A true and correct copy of the California Board's Stipulation, Accusations and Agreement are attached to this document as Exhibit A. Exhibit A is incorporated into this document by reference.

6. In resolution of this matter, Dr. Berman consents to the entry of the following Conclusions of Law and Order as a reasonable accommodation, based upon the facts and circumstances of this case.

CONCLUSIONS OF LAW

1. 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 and Order, pursuant to Wis. Stat. § 227.44(5).

2. The information provided in paragraph 5, above, constitutes a violation of Wisconsin Administrative Code § Med 10.02(2)(q).

ORDER

NOW, THEREFORE, IT IS ORDERED that:

1. The Wisconsin Medical Examining Board accepts the VOLUNTARY SURRENDER of Marshall L. Berman's license (license #20-17756), to practice medicine and surgery in the State of Wisconsin, effective the date of this Order.

IT IS FURTHER ORDERED that:

2. Dr. Berman shall not request reinstatement or reapply for a license to practice medicine and surgery in the State of Wisconsin at any time in the future.

3. The pending investigation, 05 MED 054, shall be, and hereby is, closed without further proceedings.

This Order shall become effective on the date of its signing.

MEDICAL EXAMINING BOARD

By Alfred Franger, MD  
A Member of the Board

August 17, 2005  
Date