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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
MICHAEL E. ZEVITZ, M.D., : FINAL DECISION AND ORDER
RESPONDENT : LS 0603151 MED

[Division of Enforcement Case No. 03 MED 202]

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

Michael E. Zevitz, M.D.
400 Main Street Suite 3
Norway, WI 54987

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 & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A formal complaint was filed in this matter on March 15, 2006. The parties in this matter, Michael E. Zevitz, M.D., Respondent and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, 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 the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Michael E. Zevitz, M.D., Respondent herein, (D/O/B 10/2/57), is licensed and currently registered to practice medicine and surgery in the state of Wisconsin, pursuant to license number 37857, which was first granted on June 28, 1996.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 400 Main St., Suite 3, Norway, MI 49870.
3. At all times relevant to this action, Respondent was licensed to practice medicine and surgery in the state of Michigan.
4. On January 30, 1997, the Michigan Department of Consumer and Industry Services, Office of Health Services, issued an Administrative Complaint against Respondent and commenced a disciplinary action before the Michigan Board of Medicine Disciplinary Subcommittee. The Administrative Complaint alleged that Respondent violated §§ 16221 (b) (vi) and 16221 (e) (i) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; MSA 14.15 (1101) et seq by filing a false certification in cardiovascular disease in connection with an application for hospital staff privileges.
5. On April 18, 1997, Respondent entered into a Stipulation admitting to the violations alleged in the Administrative Complaint. On May 21, 1997, the Michigan Board of Medicine Disciplinary Subcommittee entered a Consent Order finding Respondent to have acted in violation of §§ 16221 (b) (vi) and 16221 (e) (i) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; MSA 14.15(1101) et seq and imposing discipline consisting of a 30 day suspension of Respondent's license to practice medicine in the state of Michigan, probation for a period of one year and a fine in the amount of \$3,000.00 payable within one year of the effective date of the Consent Order. The terms of probation required that Respondent comply with the Michigan Public Health Code, perform 50 hours of community service related to the practice of medicine, complete 25 credit hours of ethics courses pre-approved by the Disciplinary Subcommittee and pay all costs incurred in complying with the terms of the Consent Order.
6. On September 14, 1998, the Michigan Department of Consumer and Industry Services, Office of Health Services, issued an Administrative Complaint against Respondent and commenced a disciplinary action before the Michigan Board of Medicine Disciplinary Subcommittee. The Administrative Complaint alleged that Respondent violated 1996 MR 7, R 338.1632 and § 16221(g) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; MSA 14.15(1101) et seq by failing to comply with the terms of the prior Consent Order dated May 12, 1997. The Administrative Complaint alleged that Respondent failed to submit satisfactory evidence demonstrating completion of 25 credit hours of ethics courses and failed to pay the fine of \$3,000.00 as required by the Consent Order and by the terms of probation.
7. On April 5, 1999, following an administrative hearing on the allegations of the Administrative Complaint, the Michigan Board of Medicine Disciplinary Subcommittee entered a Final Order finding that Respondent's conduct violated § 16221(g) of the Public Health Code. The Michigan Board of Medicine Disciplinary Subcommittee ordered that Respondent remain on probation for a period of one year from the effective date of this Final Order and that he pay \$1,500.00 of the \$3,000.00 fine previously ordered within six months of the effective date of this Final Order with the balance to be paid prior to the end of the probationary period. The terms of probation required that Respondent complete 25 credit hours of ethics courses pre-approved by the Michigan Board of Medicine Disciplinary Subcommittee and pay all costs incurred in complying with this Final Order.
8. On June 23, 1999, the State of Wisconsin Medical Examining Board entered a Final Decision and Order finding that Respondent had violated Wis. Stat. § 448.02 (3) and Wis. Admin. Code § MED 10.02 (2) (q) in that his license to practice medicine in the state of Michigan was suspended and was subject to other adverse action by the Michigan Board of Medicine Disciplinary Subcommittee as set forth in paragraph 5 herein.
9. On June 23, 1999, The State of Wisconsin Medical Examining Board suspended Respondent's license to practice medicine in the State of Wisconsin for one (1) year from the date of this Final Decision And Order or until Respondent presented evidence satisfactory to the Wisconsin Medical Examining Board that: (1) he has satisfied all of the terms of the Final Order of the State of Michigan dated April 5, 1999; (2) his license to practice medicine and surgery in the state of Michigan has been fully restored; (3) he had complied with all of the terms of this Final Decision and Order of the Wisconsin Medical Examining Board, whichever period of suspension is greater.
10. On January 29, 2001, The Wisconsin Medical Examining Board entered an Order which ended the suspension imposed under the June 23, 1999 Order upon evidence of compliance with all terms of that Order and reinstated the Respondent to full licensure.

11. On September 21, 2005, the State of Michigan Department of Community Health Bureau of Health Professions Board of Medicine Disciplinary Subcommittee entered a Consent Order finding that Respondent had violated section 16221 (a) and (b) (i) of the Public Health Code in that he documented physical examinations for patients without actually evaluating the patients. The Disciplinary Subcommittee further reprimanded Respondent based on this finding and ordered Respondent to pay a fine of \$5000. The Consent Order further placed Respondent's license to practice medicine in the State of Michigan on probation for two years commencing on the effective date of that Order. Terms of the probationary period included supervision of his medical practice, the terms of which are reflected in the Consent Order, a copy of which is attached hereto as Exhibit A.

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 conduct described in paragraph 11, above, constitutes a violation of or Wis. Stat. § 448.02 (3) and Wisconsin Administrative Code § MED 10.02 (2) (q).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the stipulation of the parties is hereby accepted.

IT IS FURTHER ORDERED that Michael E. Zevitz, M.D. is hereby REPRIMANDED.

IT IS FURTHER ORDERED that :

The license of Michael E. Zevitz, to practice medicine and surgery in the State of Wisconsin is hereby LIMITED on the following terms and conditions:

1. Respondent shall comply with all terms and conditions of the Consent Order and Stipulation entered by the State of Michigan, Department of Community Health, Bureau of Health Professions, Board of Medicine, Disciplinary Subcommittee on June 3, 2005. A copy of said Order is attached hereto as Exhibit A.

2. Respondent shall provide copies of all documents to be filed with the State of Michigan, Board of Medicine as required under the June 3, 2005 Consent Order to the State of Wisconsin Medical Examining Board on the same date of filing.

3. Respondent shall report any change of conditions to or violation of the June 3, 2005 State of Michigan, Board of Medicine Consent Order to the Wisconsin Medical Examining Board within 15 days of any such change or violation.

4. All documents and notifications required to be filed under paragraphs 2 and 3 of the Order shall be deemed filed when received by the Department Monitor at the address listed below.

IT IS FURTHER ORDERED that:

Respondent shall, within one hundred eighty (180) days from the date of this Order, pay costs of this proceeding in the amount of one thousand six (\$1006) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered the Respondent's license (#37857) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

4. This Order is effective on the date of its signing.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

By: Bhupinder Saini
A Member of the Board

6/21/06
Date