

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE WISCONSIN MEDICAL EXAMINING BOARD

IN THE MATTER OF THE APPLICATION :
FOR LICENSURE OF :
 : ORDER GRANTING LIMITED LICENSE
STEPHEN B. MASON, M.D., :
APPLICANT. :

Stephen B. Mason, M.D., appeared before the Wisconsin Medical Examining Board, (hereafter referred to as "Board") on February 14, 2007, for an oral examination in support of his application for medical licensure in Wisconsin. Based upon all of the information of record, the Board and the stipulation of the parties, the Board adopts the following Findings of Fact and Order Granting Limited License.

FINDINGS OF FACT

1. Stephen B. Mason, M.D., hereinafter referred to as "applicant," date of birth is September 28, 1970, a 1998 graduate of Indiana University Medical School, was previously licensed to practice medicine in the state of Indiana.
2. Applicant's current address is 5146 Ariana Court, Indianapolis, Indiana, 46227.
3. On or about May 22, 2006, an application for a license to practice medicine and surgery in Wisconsin was submitted by applicant.
4. On December 20, 2006, applicant appeared before two members of the Wisconsin Medical Examining Board for an initial oral examination on his application for licensure. Applicant's oral examination was scored as "fail" and it was recommended by the examiners that he appear before the full Board which would render the final decision on his application.
5. On February 14, 2007, applicant appeared before the full Board, represented by his legal counsel. Information was presented to the Board, including applicant's prior disciplinary order from the state of Indiana and written evaluation from the applicant's treating mental health care provider.
6. On April 6, 2005, the Medical Licensing Board of Indiana revoked the applicant's medical license and ordered him to pay a civil fine and prosecutorial costs. The Indiana order was based upon various findings including improper sexual contact by applicant with two female employees and consumption of alcohol in his medical office. The information indicated that soon after opening his private medical office applicant had developed a ritual of flirting and drinking with his female staff during office hours when no patients were scheduled. This conduct escalated to having sex relations with a staff member on two occasions. The applicant had also written a prescription for weight loss medication to this employee.
7. Applicant was found to have violated the laws in Indiana by continuing to prescribe weight loss medication to this employee without reviewing records regarding the effectiveness of her past weight loss efforts.
8. The Indiana disciplinary action included a finding that the applicant had failed to disclose in his application for licensure that he had been on probation in 1998 during his residency.
9. Subsequent to the revocation of his Indiana license, the applicant sought professional treatment and was diagnosed with a sexual addiction disorder and alcohol abuse. Applicant's health care provider confirmed that since May 2004, the applicant

had participated in weekly individual therapy, group therapy and support groups for his sexual disorder and alcohol abuse, and had urine screens. The provider also confirmed that the applicant had shown progress in his treatment and that all of applicant's urine drug screens were negative.

10. The focus of the applicant's mental health treatment was described as oriented towards the sexual addiction disorder. It was recommended that the applicant continue under the care of an Addictionologist and participate in a sexual addiction support group. The applicant had a favorable prognosis for recovery and ability to return to practice in a structured environment that would provide close supervision, such as a correctional facility.

11. Based upon all of the information of record, including the applicant's personal appearance and oral examinations, the Board now enters the following:

ORDER

IT IS HEREBY ORDERED that a **LIMITED** license to practice medicine in the state of Wisconsin shall be issued to STEPHEN B. MASON, M.D., pursuant to the terms and conditions set forth herein and Wis. Stat. § 448.02(3)(e).

IT IS FURTHER ORDERED that the duration of the period for the limitations shall be **INDEFINITE**.

CONDITION AND LIMITATIONS

Participation in Approved Sexual Addiction Treatment Program

1. Prior to commencing the practice of medicine in the state of Wisconsin, and receiving a medical license hereunder, the applicant shall have arranged for and entered into an approved program for the treatment of sexual addiction disorders with a qualified provider (hereafter referred to as "Treater") who is pre-approved and acceptable to the Board, or its designee. Applicant shall participate in, cooperate with, and follow all treatment recommendations of his Treater.
2. Applicant shall furnish a copy of this Order Granting Limited License and a copy of the April 6, 2005, Order of the Indiana Medical Board, to his approved Treater upon commencement of his treatment, so that an appropriate plan of treatment may be developed. Applicant shall also provide his Treater with access to all of his previous treatment records.
3. Applicant's treatment program shall include individual and/or group therapy sessions at a frequency to be determined by his Treater, but not less than one session per month. The therapy sessions may end only upon a determination by the Board or its designee after receiving a petition for modification, supported and endorsed in writing by the approved Treater.
4. The approved Treater shall submit written progress reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess applicant's progress in treatment. The provider shall report any violation, or suspected violation, of any of the terms and conditions of this Order or any suspected unprofessional conduct, to the Board or its designee.
5. Applicant shall be responsible for the payment of his treatment and shall immediately self-report any violation of the terms and conditions of this Order or any unprofessional conduct, to the Board or its designee.

6. If the applicant's approved Treater is unable or unwilling to continue as the provider of the treatment services, applicant shall immediately seek approval by the Board or its designee, of a successor provider to avoid any lapse in treatment.

Sobriety

7. Applicant shall abstain from all personal use of alcohol or controlled substances as defined in §961.01(4), Stats., except when necessitated by a legitimate medical condition and then only with prior approval of applicant's Treater. Applicant shall disclose his alcohol abuse history and the existence of this Order to his physician prior to obtaining a prescription for a controlled substance. Applicant shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing his physician to discuss applicant's treatment with, and provide copies of treatment and prescription records to Treater and the Board, or its designee.
8. Applicant shall abstain from all use of over-the-counter medications or other substances which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with applicant's treatment and rehabilitation.
9. Within 24 hours of ingestion or administration, applicant shall report to Treater and the Department Monitor all medications and drugs, over-the-counter or prescription, taken by Respondent, shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs, and shall provide the Department Monitor with a copy of the prescription. If applicant has not provided a release within 24 hours of a request by Treater or the Board or its designee, applicant shall be referred to the Board for further action or possible sanctions. The releases shall authorize the person who prescribed, dispensed, administered or ordered the medication to discuss applicant's treatment with, and provide copies of treatment and prescription records to, the requester.

Participation in Approved Drug and Alcohol Monitoring Program

10. Applicant shall enroll and begin participation in an approved Drug and Alcohol Monitoring Program which is recognized by the Department pursuant to Wis. Adm. Code § RL 7.11 ("Approved Program"). A list of Approved Programs is available from the Department Monitor.
11. The Department Monitor, Board or Board designee shall authorize EtG as the required alcohol detection tests under the approved monitoring program.
12. Applicant shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:
 - (a.) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 - (b.) Production of a urine specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.

13. The Approved Program shall require the testing of urine specimens at a frequency of not less than twenty-eight times per year, for the first year of this Order. The testing may be modified after the first year; the frequency may be reduced only upon a determination by the Board or its designee after receiving a petition for modification.
14. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, applicant shall promptly submit to additional tests or examinations as the provider, the Board, or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
15. In addition to any requirement of the Approved Program, the Board or its designee may require applicant to do any or all of the following: (a) submit additional urine specimens, (b) submit blood, hair or breath specimens, (c) furnish any specimen in a directly witnessed manner.
16. All confirmed positive test results shall be presumed to be valid. Applicant must prove by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody. The Approved Program shall submit information and reports to the Department Monitor in compliance with the requirements of Wis. Adm. Code § RL 7.11.
17. Drug and alcohol screens may be modified or terminated upon a determination by the Board or its designee after receiving a petition for modification which is supported by applicant's Treater.

Releases

18. Applicant shall provide a release to allow the Board, its designee, and any employee of the Department of Regulation and Licensing, Division of Enforcement to obtain all patient health care and treatment records and reports, and to discuss the progress of applicant's treatment and rehabilitation. Copies of these releases shall immediately be filed with the Department Monitor.

Continuing Education

19. Prior to commencing the practice of medicine in the state of Wisconsin, and receiving a medical license hereunder, the applicant shall successfully take and complete pre-approved Category I Continuing Medical Education (CME) in the form of courses normally taken by persons preparing for the certification examination offered by the American Board of Family Practice and a course in Professional Boundaries. The combined total of courses shall consist of no less than fifty (50) CME hours.
20. Applicant is responsible for all costs associated with the required education and shall submit satisfactory evidence of successful completion of the approved course. No part of any CME course taken in compliance with this order may be credited to any other continuing medical education requirement required to maintain licensure.
21. All requests for approval of CME course must be pre-approved by the Board in advance of taking the course.

Practice Setting

22. Applicant's medical practice shall be limited to serving as a physician at a pre-approved correctional facility

which incarcerates only male inmates. Applicant is specifically restricted from accepting an offer of employment at any correctional facility in Wisconsin which incarcerates female inmates.

23. Applicant is specifically restricted from engaging in any form of medical practice outside the confines of his pre-approved institutional setting and from providing medical services to any female patients.
24. Changes may not be made to applicant's practice setting unless he submits a petition for modification and obtains Board approval of the petition.

Supervised Work Reports

25. Applicant shall provide quarterly work reports to the Department Monitor from his immediate supervisor. The reports shall include information as to applicant's work performance and compliance with the terms of this order.
26. Applicant's supervision shall include a random review of patient charts selected by his supervisor, regular meetings between the applicant and his supervisor, and any other actions deemed appropriate by the supervisor.
27. Applicant shall provide a copy of this Final Decision and Order to the Department of Corrections and to the warden of any correctional facility where applicant is permitted to practice.
28. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

Change of Provider or Approved Program

29. The Board or its designee determines the provider or approved program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that applicant continue treatment and rehabilitation under the direction of another approved provider or approved program.

Petitions for Modification

30. Applicant may not petition the Board for modification of the terms of this Order unless such petition is accompanied by a written recommendation from applicant's provider expressly supporting the modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of §227.01(3)(a), Stats., and applicant shall not have a right to any further hearings or proceedings on the denial.

Department Monitor

31. Any requests, petitions, reports and other information required by this Order shall be mailed, faxed or delivered to:

Annual Appearance

32. Applicant shall be required to make an annual appearance before the Board, at its discretion, to answer any questions that the Board may have concerning applicant's compliance with this order. The Board may modify the terms of the order, based on any information received from applicant, the Department Monitor or any other credible source.

Summary Suspension

33. 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 Applicant's limited license. If the Board determines good cause for summarily suspending applicant's license, the summary suspension shall become effective upon either; (a) mailing to applicant's last-known address provided to the Department of Regulation and Licensing pursuant to § 440.11, Stats., or (b) actual notice to applicant or his attorney.
34. Applicant may request a hearing on the imposition of the summary suspension, and such hearing shall be held using the procedures set forth in ch. RL 2, Wis. Adm. Code. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within sixty (60) days of receipt of applicant's request, unless otherwise waived by applicant. The request of a hearing does not stay the suspension during the pendency of the hearing process.
35. After a hearing, or in lieu of a hearing, the Board or its designee, may reinstate the limited license, if provided with sufficient information that applicant is in compliance with the Order and that it is inappropriate for the suspension to remain in effect. The decision whether to reinstate the stay shall be wholly in the discretion of the Board or its designee. The sufficiency of the proof of compliance shall be determined by the Board or its designee in its discretion.

Additional Discipline

36. The Board in its discretion may in the alternative to a summary suspension impose additional conditions and limitations or other additional discipline for a violation of any term of this Order or may be the basis for a separate disciplinary action under § 441.07, Stats. In the event that Applicant fails to timely complete his continuing education, or comply with his treatment and monitoring requirements as set forth above, the Applicant's limited license shall be SUSPENDED, without further notice or hearing until the Applicant has complied with the terms of this order.
37. The rights of a party aggrieved by this Decision to petition the Section for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

Sandra Osborn, M.D .
Secretary

4/10/07