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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	INTERIM ORDER
CHARLES D. MORGAN, M.D.,	:	LS0808206MED
RESPONDENT.	:	

[Division of Enforcement Case # 08 MED 207]

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

Charles D. Morgan, M.D.
2700 W. 9th Avenue #320
Oshkosh, WI 54904

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as an interim Order in this matter subject to the approval of the Medical Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Charles D. Morgan, M.D., date of birth February 24, 1946, 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 40776, which was first granted February 26, 1999.
2. Respondent’s last address reported to the Department of Regulation and Licensing is 2700 W. 9th Avenue #320, Oshkosh, WI 54904.
3. Respondent’s specialty is psychiatry.
4. Ms. A is 28 years old and was diagnosed with bi-polar disorder when she was 19 years old. For approximately two years ending June 26, 2008, Respondent was Ms. A’s psychiatrist and provided her with medication checks and psychotherapy.
5. On June 17, 2008, Respondent admitted Ms. A to the Behavioral Unit at Mercy Medical Center in Oshkosh, Wisconsin for electroconvulsive therapy (ECT), which she received on June 18 and 20. While Ms. A was hospitalized, Respondent kissed her on the lips on two separate days. During the second kiss, Respondent inserted his tongue in Ms. A’s mouth.
6. When Ms. A was discharged on Saturday, June 21, Respondent told her he wanted to talk with her and had her

meet him at his office which was also in the Medical Center. She went to his office and sat on his couch. Respondent sat on the couch next to Ms. A, began kissing her, pushed his hand down the front of her shorts and inserted his fingers in her vagina. While doing those things, Respondent ejaculated on Ms. A's shirt. Ms. A says she never gave consent for this touching and that while it was occurring, she was thinking: "Oh my God. This can't be happening."

7. The following day, Respondent called Ms. A's cell phone and home phone. He left a message in which he said that what had happened at the office needed to stay confidential because he could lose his license.

8. On June 26, Ms. A called her counselor and told him what had happened with Respondent. She then was admitted in the Behavioral Unit at St. Elizabeth's Hospital in Appleton. While there, Ms. A contacted the Oshkosh Police Department and reported the events of June 21 to detectives. Ms. A provided the detectives with the unwashed shirt she had been wearing on June 21 and it was sent to the State Crime Lab for DNA analysis.

9. Oshkosh detectives interviewed Respondent about the events. According to their report, he said:

- a. He had developed a physical attraction for Ms. A over the past month.
- b. She was a vulnerable adult.
- c. He kissed her while she was on the Behavioral Unit at Mercy Medical Center, but she was the aggressor and a predator.
- d. She came on to him and wanted him to have sexual contact with her and he finally gave in.
- e. He knew it was wrong morally, ethically and legally.

10. As a result of the police investigation, on June 30, 2008, Respondent was charged in Winnebago County Circuit Court case number 2008CF441 with two counts of violating Wis. Stat. § 940.22 [Sexual Exploitation by Therapist] and two counts of violating Wis. Stat. § 940.225(3) [3rd Degree Sexual Assault]. A preliminary hearing was held on July 17 and Respondent was bound over for trial. It is set for jury trial to begin December 17, 2008.

CONCLUSIONS OF LAW

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

2. Respondent, by engaging in sexual contact with his patient, has committed unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(zd), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

3. Respondent has engaged in conduct which constitutes a danger to his patient, which is unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(h), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Charles D. Morgan, M.D., to practice medicine and surgery in the State of Wisconsin is hereby SUSPENDED.

2. This suspension shall remain in effect until one of the following occurs:

- a. Respondent providing satisfactory evidence to the Board that all counts, filed or to be filed, in Winnebago County Circuit Court case number 2008CF441 have been dismissed.
- b. The Board issues a Final Decision and Order in a disciplinary proceeding against Respondent, which is based upon Division of Enforcement investigative file 08 MED 207.

3. Evidence shall be provided to:

Department Monitor
Wisconsin Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue

P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817

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

Wisconsin Medical Examining Board

By: Gene Musser MD
A Member of the Board

8/20/08
Date