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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
JOSEF F. VOSMEK, M.D.,	:	LS-0709196-MED
RESPONDENT.	:	

Division of Enforcement Case #06 MED 273

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

Josef F. Vosmek, MD
P.O. Box 8
Strum, WI 54770

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

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Board on September 19, 2007. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition 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 Josef Fredrick Vosmek (dob 5/24/39) 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 #17029, first granted on 10/30/69. His address of record is P.O. Box 8, Strum, WI 54770; he resides and practices at 106 Fifth Ave., Strum, Wisconsin. Respondent is a family practitioner in solo practice; he holds an inactive license in Minnesota and is not licensed in any other jurisdiction.

2. Respondent denies any unprofessional conduct, but agrees that he cannot defend against the charges made in the Amended Complaint which has been filed in this matter.

3. On July 25, 2007, Respondent voluntarily surrendered his United States Drug Enforcement Administration registration as a practitioner, and since then he has not been registered, and is not currently registered, to prescribe, order, or administer any controlled substance, in any respect whatsoever.

4. On June 10, 2008, Respondent issued a prescription order for patient K.P. for "alprazolam 0.5mg #90, 1 tid." Alprazolam is a Schedule IV controlled substance. On June 13, 2008, Respondent issued a prescription order for patient D.S. for "Ritalin SR 20 #60, 1 q.A.M. & noon." Ritalin SR® is a brand name for a sustained release formulation of methylphenidate, a Schedule II controlled substance.

5. Respondent stated to Board investigators that he was unaware that methylphenidate and alprazolam were controlled substances, and that any violation was inadvertent.

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 par. 4, above, violated 21 USC § 841(a) and 21 USC § 802(10), and is unprofessional conduct under Wis. Adm. Code § Med 10.02(2)(g), (p), and (z).

ORDER

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

IT IS FURTHER ORDERED, that the SURRENDER of the license to practice medicine and surgery of Josef Fredrick Vosmek, M.D., is ACCEPTED, effective July 16, 2008. Respondent shall not practice medicine or surgery in Wisconsin, including as a delegee, without being licensed and registered by the Board.

IT IS FURTHER ORDERED, that Respondent shall pay partial COSTS of \$500 in this matter. If Respondent ever petitions for reinstatement, he shall pay the balance of the actual costs, in the amount of \$6,500, at the time any such petition is filed.

Dated this July 16, 2008.

WISCONSIN MEDICAL EXAMINING BOARD

by: Gene Musser MD
a member of the Board