

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
LAURIE LYNN BENSON, M.D., : LS0810152MED
RESPONDENT. :

[Division of Enforcement Case # 05 MED 376]

Laurie Lynn Benson, M.D.
6256 Upper Parkway N
Wauwatosa, WI 53213

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

Wisconsin 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 Medical Examining 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. Laurie Lynn Benson, M.D., Respondent, date of birth March 5, 1968, 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 38144, which was first granted July 26, 1996.

2. Respondent's last address reported to the Department of Regulation and Licensing is 6256 Upper Parkway N, Wauwatosa, WI 53213.

3. Respondent's practice specialty listed with the Department is emergency medicine.

4. In July 2003, Respondent joined a group which provides emergency medical services to facilities in the Milwaukee area. In early 2005, the group determined that Respondent made untrue statements to physicians and other staff in the emergency department and made false entries in patients' charts. Although there was no evidence that any patient was actually harmed as a result of this behavior, there was concern that such behavior could result in harm to a patient.

5. In May 2005, Respondent agreed to take a voluntary leave while an evaluation was performed of her ability to work safely in clinical emergency medicine. Respondent was evaluated by a Chicago psychiatrist selected by the group. The psychiatrist made his initial fitness for duty evaluation report on July 5, 2005. After he had follow-up contacts through July 18, 2005, the psychiatrist made a supplemental written report on August 31, 2005. Among other things, the psychiatrist:

a. Concluded, after two one hour in-person meetings and one telephone call with Respondent and

meetings with certain group physicians, that she showed limited insight and remained at significant risk to continue in the dishonest behavior which had the potential to adversely impact patient care. For this reason, he rendered his opinion that she was not appropriate to practice medicine with requisite safety at that time.

b. Recommended that she enter into an intensive program for professionals who are having difficulties in their practice. One of the programs he recommended was Professionals at Risk Treatment Services (PRTS) in Elmhurst, Illinois.

6. On August 9, 2005, Respondent was voluntarily admitted to PRTS's treatment program, which is designed for physicians and other professionals.

7. Respondent was discharged from PRTS's treatment program on October 14, 2005. At that time, the treating psychiatrist who was also the program's director indicated:

a. Her prognosis was good and she appeared to have made a major shift in how she communicates and functions interpersonally, but that ongoing therapy would be necessary to realize this positive prognosis.

b. She was not diagnosed with any Axis I or Axis II mental health disorder or condition and was not treated with any medications.

8. Following discharge, Respondent voluntarily continued in therapy with her psychologist. The psychologist expressed her opinion that Respondent did not suffer from any mental health disorder which would make her unfit to practice medicine.

9. Respondent did not initially return to medical practice but instead completed a master's degree in medical management. On September 11, 2007, Respondent was appointed to the medical staff at a Wisconsin health system with conditions on her appointment. On November 1, 2007, Respondent became employed by a group that provides emergency medicine physicians to that system. Since that time, Respondent has practiced emergency medicine there. The Chair of the Department of Emergency Medicine, who works with Respondent, has reported to the Division of Enforcement that there have been no problems with Respondent's practice and reported positively on all aspects of her performance. Respondent's psychologist reported to the Division of Enforcement that Respondent's return to practice did not have any adverse effect on Respondent. On July 15, 2008, Respondent was reappointed at the health system without any restrictions.

CONCLUSIONS OF LAW

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

2. Respondent, by engaging in the conduct as set out in Finding of Fact 5 above, has committed unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(m) and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Laurie Lynn Benson, M.D., Respondent, is hereby REPRIMANDED for the above conduct.

2. Within 90 days of the date of this Order, Respondent shall pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$1,385.00. [Wis. Stat. § 440.22(2)].

3. Payment shall be made to:

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

Telephone (608) 267-3817

Fax (608) 266-2264

4. In the event that Respondent fails to pay costs as ordered, Respondent's license SHALL BE SUSPENDED without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Medical Examining Board

By: Gene Musser, M.D.
A Member of the Board

10/15/2008
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
LAURIE LYNN BENSON, M.D., : LS _____ MED
RESPONDENT. :

[Division of Enforcement Case # 05 MED 376]

It is hereby stipulated and agreed, by and between Laurie Lynn Benson, M.D., Respondent; Heather L Fields of Reinhart, Boerner & Van Deuren, S.C., attorneys for Respondent; and John R. Zwieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (file 05 MED 376). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, she voluntarily and knowingly waives her rights, including the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Laurie Lynn Benson, M.D.
Respondent
6256 Upper Parkway N
Wauwatosa, WI 53213

Date

Heather L. Fields
Reinhart, Boerner & Van Deuren, S.C.
Attorneys for Respondent
P.O. Box 2965
Milwaukee, WI 53201-2965

Date

John R. Zwieg
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date