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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
 :
MICHAEL S. CURTISS, M.D., : LS-0708151-MED
RESPONDENT. :

Division of Enforcement Case #04 MED 236

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

Michael S. Curtiss, MD
8734 Packing Plant Rd #6
Minocqua, WI 54546

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 August 15, 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 Michael Scott Curtiss (dob 7/2/57) is a physician and surgeon licensed in the State of Wisconsin pursuant to license #43710, first granted on 8/20/01. Respondent is a general practitioner, and is or has been licensed in Illinois, Montana, North Carolina, and Iowa.

2. On April 30, 2001, Respondent filed an application for licensure as a physician and surgeon from the Wisconsin Medical Examining Board. As part of that application, Respondent filled out a form which indicated that he had been employed by the Potawatomi Health & Wellness, Center, Crandon, WI, beginning April 1, 2001, and continuing through the date of his application. During this one month timeframe which Respondent worked at Potawatomi, Respondent and Potawatomi were in the process of negotiating an independent service contract under which Respondent was to provide his services, rather than forming an employer/employee relationship. Upon Respondent's application for license as a physician, and as part of the licensure process, Respondent was requested to provide a "past work history form" for each employer. On June 27, 2001, Respondent e-mailed the Department of Regulation and Licensing, stating: "I don't need a past work history form from the Potawatomi. Please change this category to reflect past employer Family Health Clinic LLC. Potawatomi was a prospective employer! I will send new requests to the states of IL IN and MT." Respondent represents to the Board that he believed that he was not "employed" by Potawatomi, since he and Potawatomi were unable to reach terms on an independent service contract and therefore terminated their relationship. However, Respondent had been working at the Potawatomi Health & Wellness Center for approximately two months, before the parties mutually ended their relationship. The absence of the

foregoing information to the Board during the license application process prevented the Board from considering the circumstances surrounding Respondent's work at Potawatomi, during the licensure application process.

3. On April 28, 2004, Respondent was consulted by patient J.W., a man born in 1959. Respondent differentially diagnosed the patient with an uncomplicated subcutaneous cyst or lipoma in the middle of his back, and performed an in-office procedure to excise the growth. After the incision was made, the growth appeared to Respondent to be more complex than he originally believed, so a physician assistant closed the patient's wound without removing the growth, and the patient was referred to another physician. Respondent represents to the Board that he no longer recalls whether he ever made a note charting this patient's visit, but accepts that none was found in the patient's chart, and that it was his responsibility to make such a note.

4. On 11/13/06, Respondent was contacted by an investigator acting on behalf of the Board. Respondent was requested to provide proof of CME for the previous biennium. Respondent provided some answer sheets apparently from a quiz taken after reviewing some articles; he did not provide any CME certificates. The investigator wrote to Respondent again, requesting the actual certification showing that CME had been obtained; Respondent again provided the same answer sheets. Respondent did not provide proof of CME until 2/5/07, almost three months after the initial request.

5. On and between 11/1/01 and 1/10/02, Respondent was a resident in the Family Practice program at a hospital in Wausau WI. During that time, he was on several occasions late for work and thus kept patients waiting for care, without adequate excuse. This matter did not come to the Board's attention until the current investigation.

6. Respondent represents to the Board that he is presently physically disabled as the result of a spinal tumor which was surgically removed in May, 2002, and has left him with long term parasthesia and impaired mobility. Respondent has been classified as permanently disabled by the Social Security Administration. Respondent represents to the Board that he is unable to adequately perform the functions required of a physician due to chronic pain from the spinal cord tumor, and therefore voluntarily relinquishes his Wisconsin medical license.

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 ¶2, above, constitutes unprofessional conduct within the meaning of Wis. Adm. Code § Med 10.02(2)(c). The conduct described in ¶3, above, constitutes unprofessional conduct within the meaning of Wis. Adm. Code § Med 10.02(2)(za). The conduct described in ¶4, above, constitutes unprofessional conduct within the meaning of Wis. Adm. Code § Med 10.02(2)(zc). The conduct described in ¶5, above, constitutes unprofessional conduct within the meaning of Wis. Adm. Code § Med 10.02(2)(h).

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 Michael S. Curtiss, M.D., is ACCEPTED.

IT IS FURTHER ORDERED, that if Respondent ever petitions for reinstatement, he shall pay the COSTS of investigating and prosecuting this matter of \$3,400, at the time any such petition is filed.

Dated this March 19, 2008.

WISCONSIN MEDICAL EXAMINING BOARD

by: Gene Musser MD
a member of the Board