

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : Case No. LS0911023MED  
JOSEPH A. BESSO, JR., M.D., :  
RESPONDENT. :

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ORDER OF SUMMARY SUSPENSION

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[Division of Enforcement Case No.09MED317]

The Petition for Summary Suspension of Dr. Joseph A. Besso's license to practice medicine was noticed to be presented at 8:50 a.m. on October 21, 2009. At the time and place noticed, attorney Sandra L. Nowack appeared for the Complainant, Department of Regulation and Licensing, Division of Enforcement. No one appeared on behalf of Respondent.

The Wisconsin Medical Examining Board, having considered the sworn October 8, 2009 Petition for Summary Suspension, the October 8, 2009 Affidavit of Service of Notice of Presentation and Petition for Summary Suspension, and the October 8, 2009 Affidavit in Support of Petition for Summary Suspension of Kelley Sankbeil, and, having heard the arguments of counsel, hereby makes the following:

FINDINGS OF FACT

1. Joseph A. Besso, Jr., M.D., Respondent, date of birth October 2, 1942, 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 51816, which was first granted June 20, 2008.
2. Respondent's last address reported to the Department of Regulation and Licensing is 2768 Kadlec Drive, #11, Beloit, WI 53511-2942.
3. At the time of the events set out below, Respondent was employed as a physician by Beloit Memorial Hospital, 1969 W. Hart Road, Beloit, WI 53511-2230.
4. On August 17, 2009, Respondent reported to work at Beloit Memorial Hospital under the influence of alcohol. His blood alcohol concentration was in excess of the limit for driving and he was escorted home.
5. Respondent resigned his employment, including hospital and clinical privileges, with a thirty-day notice period.
6. As a condition of continued employment during the thirty-day notice period, Respondent was required to undergo testing for alcohol on a daily basis. Respondent did not work on August 18, 2009. On August 19, 2009, his first day of work under the thirty-day conditional period, Respondent tested positive for alcohol, again in excess of the legal limit. His employment and privileges were terminated.
7. Respondent explains that his wife filed for divorce on August 15, 2009, and the August 17, 2009 incident was an embarrassing bout of binge drinking.
8. With regard to August 19, 2009, Respondent states that he had not been drinking and does not know why he tested positive for alcohol. Respondent asked to be retested, as he suspected he had not metabolized the alcohol normally. Thirty minutes later, his blood test was still positive for alcohol at a reported .09 level. Respondent believes that in another 60 minutes, he would not have tested positive for alcohol.
9. Respondent does not believe he has an alcohol problem, and states that he continues to drink an occasional glass of wine. He has indicated a willingness to obtain an assessment for chemical dependency, however, to date,

Respondent has not undergone that assessment.

10. Respondent's claim that he had not consumed alcohol on August 18 or 19, 2009, is implausible, given the results of the toxicology screening.

11. As evident by the conduct described above, Respondent is unable to control his consumption of alcohol to the extent that it impaired his ability to safely and reliably practice medicine.

12. Alcoholism is a disease which is unlikely to be controlled without professional intervention. Unless and until he involves himself in an acceptable treatment program, Respondent is likely to drink alcohol again.

13. Based on the information provided above: Respondent has untreated inability to control his consumption of alcohol; without treatment, Respondent is unable to control his use of alcohol; Respondent's uncontrolled use of alcohol has and will continue to place the health, safety and welfare of his patients at unnecessary and unacceptable risk; without an administrative suspension of Respondent's license to practice, the Board has no means of assuring that Respondent is not and will not engage in the practice of medicine while impaired.

### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(4) and has authority to summarily suspend Respondent's license to practice as a physician in the State of Wisconsin, pursuant to Wis. Stat. § 227.51(3) and Wis. Adm. Code ch. RL 6.

2. Notice has been given to Respondent as required by Wis. Adm. Code § RL 6.05.

3. There is probable cause to believe that Respondent engaged in conduct described above, which tends to constitute a danger to the health, welfare, or safety of patients and the public, which is unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(h) and he is subject to discipline pursuant to Wis. Stat. § 448.02(3).

4. There is probable cause to believe that Respondent has engaged in or is likely to engage in conduct such that the public health, safety or welfare imperatively requires emergency suspension of Respondent's license to practice medicine.

### ORDER

NOW THEREFORE IT IS HEREBY ORDERED that the license of Joseph A. Besso, Jr., M.D., to practice medicine and surgery in the state of Wisconsin be and is summarily suspended for 30 days, or until Respondent provides proof acceptable to the Board or its designee that he has successfully completed an AODA treatment program, effective immediately.

IT IS FURTHER ORDERED that the Administrative Law Judge assigned to the matter may continue the suspension for 30 days while the hearing in the disciplinary proceeding is in progress.

IT IS FURTHER ORDERED that if Respondent causes a delay in the hearing process of the disciplinary proceeding against Respondent, the Administrative Law Judge assigned to the matter may continue the suspension from the time the hearing is commenced until a final decision is issued by the Board.

IT IS FURTHER ORDERED that Respondent is hereby notified of his right, pursuant to Wis. Adm. Code § RL 6.09 to request a hearing to show cause why this summary suspension order should not be continued and is further notified that any request for a hearing to show cause should be filed with the Wisconsin Medical Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

IT IS FURTHER ORDERED that in the event that Respondent requests a hearing to show cause why the summary suspension should not be continued, that hearing shall be scheduled to be heard on a date within 20 days of receipt by the Board of Respondent's request for hearing, unless Respondent requests or agrees to a later time for the hearing.

Wisconsin Medical Examining Board

By: Gene Musser MD  
Member of the Board

11/2/09  
Date