

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

STEPHEN A. HAUGHEY, M.D., :
RESPONDENT. :

DLSC Case No. 12 MED 388

ORDER 0002303

ORDER OF SUMMARY SUSPENSION

The Petition for Summary Suspension of February 15, 2013, was noticed to be presented at 8:15 a.m., or as soon thereafter as the matter could be heard, on February 20, 2013. Dr. Haughey was served pursuant to Wis. Admin. Code sec. SPS 6.06. At the time noticed for hearing, Attorney Sandra L. Nowack appeared for the Petitioner, Department of Safety and Professional Services, Division of Legal Services and Compliance. Respondent appeared and provided an oral statement to the Board.

The Wisconsin Medical Examining Board, having considered the sworn February 15, 2013 Petition for Summary Suspension of Sandra L. Nowack, the February 15, 2013 Affidavit of Service of Notice of Presentation and Petition for Summary Suspension of Mitali Chatterjee, the oral testimony of Sarah Osborn, an investigator for the Drug Enforcement Agency, the oral statement of Stephen Haughey M.D., and having heard the argument of counsel, hereby makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Stephen A. Haughey, M.D., (dob September 28, 1950), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 20-24871, first issued on August 23, 1982, with registration current through October 31, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4944 N. Larkin Street, Whitefish Bay, Wisconsin 53217.

2. Respondent's specialty is family practice. His practice is located at 1050 Legion Drive, Elm Grove, Wisconsin.

3. On November 5, 2012, a Drug Enforcement Administration (DEA) investigator learned that Respondent had procured large volumes of hydrocodone direct from distributors. Among physicians in Wisconsin who had ordered hydrocodone, Respondent had purchased the tenth highest volume of hydrocodone.

4. The DEA investigator reports Respondent's history of purchases from distributors, in part, as follows:

- a. 2008, 3300 tablets of hydrocodone (varying strengths);
- b. 2009, 3800 tablets of hydrocodone (varying strengths);
- c. 2010, 4100 tablets of hydrocodone (varying strengths);
- d. 2011, 4300 tablets of hydrocodone (varying strengths);
- e. 2012, 5800 tablets of hydrocodone (varying strengths).

5. Between 2010 and 2012, Respondent obtained from distributors at least 35,850 tablets of varying levels of Schedule II and IV narcotics. This number does not include the hydrocodone tablets referred to in paragraph 4.

6. On December 4, 2012, the Drug Enforcement Administration executed an Administration Inspection Warrant at the location at which Respondent is assigned a DEA number. The address, 4944 N. Larkin Street, Whitefish Bay, Wisconsin, is Respondent's residential address and not the location of his practice. The following information was obtained on the same date.

7. Respondent stated that he does not dispense controlled substances to patients.

8. Respondent admitted that he distributed the controlled substances only to himself, his wife, a son who lives with them, Respondent's sisters, and, rarely, Respondent's brothers. He also recalled sending some narcotics via U.S. mail to his mother in Pennsylvania.

9. Respondent indicated that he did not create or maintain medical records for his brothers and sisters.

10. Respondent stated that he did not know that self-prescribing controlled substances is illegal.

11. Respondent stated that he did not know that he is required to maintain records to account for every tablet of a narcotic substance. Respondent said he did not keep such records.

12. The DEA investigator confiscated from Respondent's residence 2687 tablets of various controlled substances.

13. The DEA investigator observed that Respondent and his wife presented with behavior associated with drug impairment, including a lack of concentration and slow speech.

14. Respondent consented to an inspection of his practice office. DEA investigators found no controlled substances on site.

15. Neither Respondent nor his wife had valid prescriptions for the controlled substances in their possession.

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 summarily suspend the license and registration of Respondent Stephen A. Haughey, M.D., to practice medicine and surgery in the State of Wisconsin, pursuant to Wis. Stat. §§ 227.53(3) and 448.02(4) and Wis. Admin. Code ch. SPS 6.
2. Respondent was given notice of this matter pursuant to Wis. Admin. Code sec. § SPS 6.06.
3. There is probable cause to believe that Respondent has violated Wis. Stat. § 448.02(3) and Wis. Admin. Code § MED 10.02(2)(p), by administering, dispensing, prescribing, supplying, or obtaining controlled substances as defined in s. 961.01 (4), Stats., otherwise than in the course of legitimate professional practice, or as otherwise prohibited by law.
4. There is probable cause to believe that Respondent has violated Wis. Stat. § 448.02(3) and Wis. Admin. Code § MED 10.02(2)(h) by having practice or conduct which tends to constitute a danger to the health, welfare, or safety of patient or public.
5. There is probable cause to believe that Respondent has violated Wis. Stat. § 448.02(3) and Wis. Admin. Code § 10.02(2)(za) by failing as a physician to maintain patient health care records consistent with the requirements of ch. MED 21.
6. It is imperatively required and necessary to suspend the license and registration of Respondent Stephen A. Haughey, M.D., to practice medicine and surgery immediately to protect the public health, safety and welfare.

ORDER

The license and registration of Respondent Stephen A. Haughey, M.D., to practice medicine and surgery in the State of Wisconsin is summarily suspended until the effective date of a final decision and order issued in the disciplinary proceeding against Respondent Stephen A. Haughey, M.D., unless otherwise ordered by the Board.

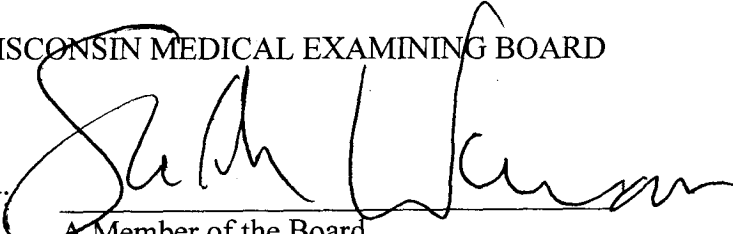
A formal complaint to be filed with the Division of Hearings and Appeals, alleging that Respondent has committed unprofessional conduct is attached.

Respondent Stephen A. Haughey, M.D., is hereby notified of his right, pursuant to Wis. Admin. Code § SPS 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, Wisconsin 53708.

In the event that Respondent Stephen A. Haughey, M.D., 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:


A Member of the Board

Date

2/20/13