

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JACOB KUSMAK, M.D.,	:	
RESPONDENT.	:	

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0002556

Division of Legal Services and Compliance<sup>1</sup> Case No. 12 MED 159

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

Jacob Kusmak, M.D.  
4808 S. Caraway Circle  
Sioux Falls, SD 57108

Wisconsin Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Jacob Kusmak, M.D., (dob December 2, 1975), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 52015-20, first issued on July 31, 2008, which is current through October 31, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4808 S. Caraway Circle, Sioux Falls, SD 57108.

2. On March 16, 2012, the South Dakota Board of Medical and Osteopathic Examiners issued a non-disciplinary Decision and Order imposing conditions on Respondent's

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

medical license due to a medical condition that could eventually compromise his ability to practice medicine and surgery. The medical condition was not caused by any conduct on Respondent's part. The South Dakota Board will be monitoring Respondent's practice.

3. Respondent is not currently practicing medicine and surgery in Wisconsin.

#### CONCLUSIONS OF LAW

1. 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).

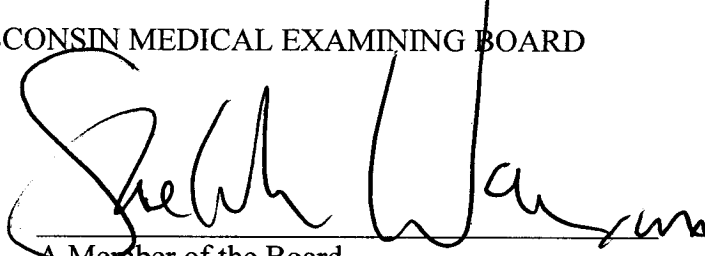
#### ORDER


1. The attached Stipulation is accepted.
2. The medicine and surgery license issued to Jacob Kusmak, M.D., (license number 52015-20) is LIMITED as follows:
  - a. Respondent is to maintain full and complete compliance with all terms, limitations, and conditions imposed against his medical license by the South Dakota Board of Medical and Osteopathic Examiners.
  - b. Respondent shall provide the State of Wisconsin Medical Examining Board with a copy of any document issued by the South Dakota Board of Medical and Osteopathic Examiners which alters the conditions of Respondent's continued practice of medicine in the State of South Dakota, including any document advising reinstatement of full licensure.
  - c. If Respondent intends to practice medicine and surgery in Wisconsin in the future, he shall first meet with the Board or its designee. The objective of the appearance shall be to determine whether or not Respondent's medical condition is such that restrictions are necessary to avoid any unacceptable risk of harm to patients.
3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered, Respondent's license (no. 52015-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:

  
A Member of the Board

  
Date