

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARY BURGESSER-HOWARD, M.D.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

00039 13

Division of Legal Services and Compliance Case No. 13 MED 501

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

Mary Burgesser-Howard, M.D.
1205 S. Elm Grove Rd
Brookfield, WI 530

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Mary Burgesser-Howard, M.D., DOB January 20, 1962, is licensed in the state of Wisconsin to practice medicine and surgery, having license number 36048-20, first issued on October 21, 1994, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1205 S. Elm Grove Rd, Brookfield, Wisconsin 53005.

2. The Division is investigating allegations that:

- a. Between August 1, 2013, and August 20, 2013, while employed at a pain management clinic located in Milwaukee, Wisconsin, Respondent prescribed

controlled substances while not licensed to practice medicine and surgery in the state of Wisconsin and without a required DEA certificate of registration for Wisconsin;

- b. Respondent was dishonest, through acts of omission, with the Board and/or its representatives during oral examinations for licensure; and
- c. Respondent was dishonest, through acts of omission, with the Board's representatives during the investigation.

3. Respondent denies intentional wrong-doing. She has decided for personal reasons to leave the state of Wisconsin.

4. Respondent neither admits nor denies the allegations but consents to entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

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 Wisconsin Medical Examining Board hereby accepts the permanent SURRENDER of the license and registration to practice medicine and surgery issued by the State of Wisconsin to Respondent Mary Burgesser-Howard, M.D., (license no. 36048-20). The surrender is effective June 1, 2015.

3. Respondent's surrender of her license and registration constitutes Respondent's permanent relinquishment of the privilege of practicing medicine and surgery in the state of Wisconsin.

4. Effective June 1, 2015, Respondent shall not be present in any office, business or institution where medicine and surgery is practiced in the state of Wisconsin except as a patient receiving medical services or as a non-professional visitor to a patient receiving medical services.

5. On June 1, 2015, Respondent shall surrender any certificate of registration issued to her by the Drug Enforcement Administration that authorized her to prescribe controlled substances in the state of Wisconsin.

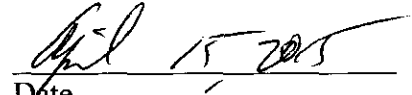
6. Respondent shall, on June 1, 2015, mail all indicia of licensure to the Wisconsin Department of Safety and Professional Services, Department Monitor, at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. This Order is effective on the date of signing.

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARY BURGESSER-HOWARD, M.D.,
RESPONDENT.

STIPULATION

00039 13

Division of Legal Services and Compliance Case No. 13 MED 501

Respondent Mary Burgessier-Howard, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Mark Larson.

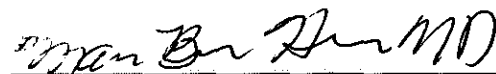
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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 then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the 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.

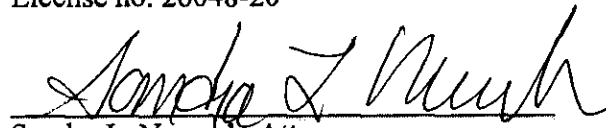
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such 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 Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Mary Burgess-Howard, M.D., Respondent
1205 S. Elm Grove Road
Brookfield, WI 53005
License no. 26048-20

4-3-15
Date


Sandra L. Nowack, Attorney
State Bar Number 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
sandra.nowack@wisconsin.gov

4/9/15
Date