

## 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  
MICHAEL C. MACATOL, M.D., :  
RESPONDENT. :

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**0004608**

Division of Legal Services and Compliance Case No. 15 MED 049

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

Michael C. Macatol, M.D.  
60 E. Spring Street, Apt. 320  
Columbus, OH 43215

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 Michael C. Macatol, M.D. (DOB January 23, 1971), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 45503-20, first issued on April 10, 2003, and with registration expired as of November 1, 2011. Respondent currently has the right to automatically renew his Wisconsin registration to practice medicine and surgery.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 60 E. Spring Street, Apt. 225, Columbus, Ohio 43215, however Respondent previously reported that his apartment number is 320.

3. Respondent currently holds, or previously held, licenses to practice medicine in multiple states, including the states of Kentucky, Ohio, Pennsylvania, and Virginia.

4. On August 4, 2011, the Kentucky Board of Medical Licensure (Kentucky Board) issued a Default Order of Revocation Pursuant to KRS 311.599. The basis for the revocation was as follows:

a. In July 2010, the Kentucky Board opened an investigation after receiving notification from Respondent's employer, Taylor Regional Hospital in Campbellsville, Kentucky, that he had reported to work under the influence of alcohol (with a blood alcohol level of .13% by weight) and as a result was dismissed from practice at that hospital.

b. Failing to complete an impairment evaluation.

5. On September 21, 2011, the Virginia Board of Medicine suspended Respondent's license to practice medicine in the Commonwealth of Virginia, due to the revocation of his Kentucky license.

6. On January 13, 2012, the Pennsylvania State Board of Medicine indefinitely suspended Respondent's Pennsylvania license to practice medicine, because of the Kentucky and Virginia actions, and because Respondent falsely stated that he had not had his practice privileges denied, revoked or restricted in a hospital or healthcare facility, when he renewed his Pennsylvania license. At the time of the renewal, September 20, 2010, Respondent had already been terminated by his employing hospital, as set forth in paragraph 4.a., above

7. On March 4, 2012, Respondent entered into a consent agreement with the State Medical Board of Ohio (Ohio Board), providing for suspension of Respondent's license and monitored treatment of Respondent.

8. Respondent's medical license was reinstated in Ohio effective October 10, 2012, pursuant to a Step II Consent Agreement (Consent Agreement) with the Ohio Board. Respondent's license was subject to probationary terms, conditions and limitations based upon the Ohio Board's determination that, among other factors, Respondent's ability to practice medicine in a safe and competent manner was impaired due to habitual or excessive use or abuse of alcohol or other drugs.

9. On December 10, 2014, the Ohio Board issued an Order (Ohio Order) suspending Respondent's Ohio license to practice medicine for an indefinite period of time, but not less than one year from October 8, 2014.

10. The Ohio Order established interim monitoring conditions (designed to address Respondent's alcohol or other drug impairment) and other conditions for the reinstatement or restoration of his license to be in effect for a minimum of five (5) years following restoration or reinstatement of licensure.

11. On February 9, 2015, the Kentucky Board issued an Agreed Order (Kentucky Order) restricting or limiting Respondent's Kentucky license to practice medicine in that state for an indefinite period.

12. During the effective period of the Kentucky Order, Respondent was prohibited from practicing medicine or osteopathy in the state of Kentucky; was required to comply with the Ohio Consent Agreement and the Ohio Order, submit to an alcohol or other drug assessment with an approved provider and comply with any recommended alcohol/drug residential. The Kentucky Order further prohibited, inter alia, Respondent from seeking a petition to resume the practice of medicine in the state of Kentucky unless his Ohio medical license was reinstated or restored.

13. On November 4, 2015, Respondent's Ohio license was reinstated, subject to the terms, conditions and limitations set forth in the Ohio Order.

14. Respondent's Kentucky license remains inactive.

15. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### 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).

2. By the conduct described in the Findings of Fact, Respondent Michael C. Macatol, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(c) (Oct. 2013) by having discipline taken by another jurisdiction against his license to practice medicine and surgery.

3. As a result of the above conduct, Michael C. Macatol, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Michael C. Macatol, M.D., is REPRIMANDED.

3. The Wisconsin license to practice medicine and surgery issued to Michael C. Macatol, M.D., (license number 45503-20) is LIMITED as follows:

a. Respondent is to maintain full and complete compliance with all terms, limitations, and conditions imposed against his medical licenses by the State Medical Board of Ohio and the Commonwealth of Kentucky Board of Medical Licensure.

b. Respondent shall, within 48 hours of receipt, provide the State of Wisconsin Medical Examining Board with a copy of any document issued by Ohio Board or Kentucky Board which alters the conditions of Respondent's continued practice of medicine in the states of Ohio and Kentucky, including any document advising reinstatement of full licensure.

c. Upon Respondent providing proof sufficient to the Board, or its designee, that he has successfully complied with all terms and conditions of the Ohio and Kentucky Orders, and his licenses have been restored to full, unrestricted status, the Board or its designee shall issue an Order removing these limitations upon Respondent's license.

4. In the event Respondent decides to practice medicine and surgery in the State of Wisconsin while the limitations set out in paragraph 3 remain in effect, he shall notify the Board or its designee of his intentions and practice address at least ninety (90) days prior to commencing the practice of medicine and surgery in the state of Wisconsin. Upon Respondent's commencement of the practice of medicine and surgery in the state of Wisconsin, all limitations under paragraph 3 are removed and his license shall be SUSPENDED and LIMITED as described below.

#### SUSPENSION

- A.1. The license of Michael C. Macatol, M.D., to practice medicine and surgery in the state of Wisconsin is SUSPENDED for an indefinite period.
- A.2. Respondent shall not engage in the practice of medicine and surgery in any capacity unless his suspension is stayed and he is in full compliance with this Order. Respondent shall mail or physically deliver all indicia of registration to the Department Monitor within 14 days of the effective date of this Order.
- A.3. Upon a showing by Respondent of continuous, successful compliance for a period of at least five (5) years with the terms of this Order (with credit for demonstrated continuous compliance with his Ohio and Kentucky Orders, as verified by each Board), including at least 600 hours of active practice for every year the suspension is stayed, the Board may grant a petition by Respondent under paragraph D.4. for return of full licensure. At the Board's discretion, the 5-year period may be started anew for every substantial or repeated violation of any provision of Sections C or D of this Order.
- A.4. The Board may, on its own motion or at the request of the Department Monitor, grant full licensure at any time.

#### STAY OF SUSPENSION

- B.1. The suspension may be stayed based upon Respondent having provided proof, which is determined by the Board or its designee to be sufficient, that Respondent is in compliance with the provisions of Sections C and D of this Order.

- B.2. The Board or its designee may, without hearing, remove the stay upon receipt of information that Respondent is in substantial or repeated violation of any provision of Sections C or D of this Order. Repeated violation is defined as the multiple violation of the same provision or violation of more than one provision. The Board may, in conjunction with any removal of any stay, prohibit Respondent for a specified period of time from seeking a reinstatement of the stay under paragraph B.4.
- B.3. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:
- (a) Mailing to Respondent's last-known address provided to the Department of Safety and Professional Services pursuant to Wis. Stat. § 440.11; or
  - (b) Actual notice to Respondent or Respondent's attorney.
- B.4. The Board or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.
- B.5. If Respondent requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. SPS 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent's request, unless waived by Respondent. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

### LIMITATIONS

The license to practice medicine and surgery of Respondent is LIMITED as set forth in Wis. Stat. § 448.02(3)(e), and as follows:

#### Treatment Required

- C.1. Respondent shall enter into and continue, in a drug and alcohol treatment program with a Treater acceptable to the Board or its designee. Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater.
- C.2. Respondent shall immediately provide Treater with a copy of this Final Decision and Order and all other subsequent orders.
- C.3. Treater shall be responsible for coordinating Respondent's rehabilitation, drug monitoring and treatment program as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor (See D.1., below). If Treater is unable or unwilling to serve as Treater, Respondent shall immediately seek approval of a successor Treater by the Board or its designee.
- C.4. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Treater. Therapy may end only upon a determination by

the Board or its designee after receiving a petition for modification as required by D.4., below.

- C.5. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in the drug and alcohol treatment program. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

#### Releases

- C.6. Respondent shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Safety and Professional Services, Division of Legal Services and Compliance to: (a) obtain all urine, blood and hair specimen screen results and patient health care and treatment records and reports, and (b) discuss the progress of Respondent's treatment and rehabilitation. Copies of these releases shall immediately be filed with the Department Monitor.

#### AA/NA Meetings

- C.7. Respondent shall attend Alcoholics/Narcotics Anonymous meetings or an equivalent program for recovering professionals, at the frequency recommended by Treater. Attendance of Respondent at such meetings shall be verified and reported monthly to Treater and the Department Monitor.

#### Sobriety

- C.8. Respondent shall abstain from all personal use of alcohol.
- C.9. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), and all mood-altering or psychoactive substances, except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, Treater and the Board or its designee.
- C.10. Respondent shall abstain from all use of over-the-counter medications or other substances which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation.
- C.11. Within 24 hours of ingestion or administration, Respondent shall report to Treater and the Department Monitor all medications and drugs, over-the-counter or prescription, taken by Respondent, shall identify the person or persons who prescribed, dispensed, administered

or ordered said medications or drugs, and shall provide the Department Monitor with a copy of the prescription. If Respondent has not provided a release as required by C.9 above, within 24 hours of a request by Treater or the Board or its designee, Respondent shall provide releases in compliance with state and federal laws. The releases shall authorize the person who prescribed, dispensed, administered or ordered the medication to discuss Respondent's treatment with, and provide copies of treatment records to, the requester.

#### Drug and Alcohol Screens

- C.12. Respondent shall enter into and continue in a drug and alcohol monitoring program which is approved by the Department pursuant to Wis. Admin. Code § SPS 7.11 ("Approved Program"). A list of Approved Programs is available from the Department Monitor.
- C.13. At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program – including any positive test for any controlled substance or alcohol – is a substantial violation of this Order. The requirements shall include:
- (a) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
  - (b) Production of a urine specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
- C.14. The Approved Program shall require the testing of urine specimens at a frequency of not less than 48 times per year, for the first year of Respondent's return to practice in Wisconsin. After the first year, the frequency may be reduced only upon a determination by the Board or its designee after receiving a petition for modification as required by D.4., below.
- C.15. The Department Monitor, Board or Board designee shall determine the tests to be performed upon the specimens. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, Respondent shall promptly submit to additional tests or examinations as the Treater or the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
- C.16. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent to do any or all of the following: (a) submit additional urine specimens, (b) submit blood, hair or breath specimens, (c) furnish any specimen in a directly witnessed manner.
- C.17. All confirmed positive test results shall be presumed to be valid. Respondent must prove by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody.



- C.18. The Approved Program shall submit information and reports to the Department Monitor in compliance with the requirements of Wis. Admin. Code § SPS 7.11.

Controlled Substance Privileges

- C.19. Respondent shall not prescribe, dispense, administer or order any controlled substances. Respondent shall surrender any DEA registration to prescribe, dispense, administer and order controlled substances to the Drug Enforcement Administration. Respondent has completed the attached DEA surrender form, which shall be held by the Department Monitor for submission to DEA upon the effective date of this Final Decision and Order. Respondent shall not make reapplication for DEA registration until the Board permits Respondent to do so, or the Board modifies the terms of this limited license to permit the prescribing, dispensing, administering or ordering of controlled substances.
- C.20. Respondent shall furnish a copy of this Order to all present employers immediately upon issuance of this Order, to any hospital at which he has privileges or at which he applies for privileges, and to any prospective employer when Respondent applies for employment as a health care provider. EMPLOYERS WHO ARE DEA REGISTRANTS ARE INFORMED THAT IF RESPONDENT HAS BEEN CONVICTED OF ANY FELONY RELATING TO CONTROLLED SUBSTANCES, THE EMPLOYER MUST RECEIVE A WAIVER OF 21 CFR §1301.76 UNDER 21 CFR §1307.03 BEFORE EMPLOYING RESPONDENT.
- C.21. Respondent may work as a physician or other health care provider in a setting in which Respondent has access to controlled substances. If Treater subsequently recommends restrictions on such access, the Board or its designee may impose such restrictions.

Reporting Required

- C.22. It is the responsibility of Respondent to promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order.
- C.23. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel where Respondent is engaged in the practice of medicine and surgery as defined at Wis. Stat. § 448.01(9).
- C.24. It is Respondent's responsibility to arrange for written reports from her employer or practice partner(s) to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active practice worked during that quarter.
- C.25. Respondent shall arrange for agreement by his employer or practice partner(s) to immediately report to the Board and to the Treater any conduct or condition of Respondent that may constitute a violation of this Order or a danger to the public.

MISCELLANEOUS

Department Monitor

- D.1. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor  
Division of Legal Services and Compliance  
Wisconsin Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone: (608) 267-3817; Fax: (608) 266-2264  
DSPSMonitoring@wisconsin.gov

Required Reporting by Respondent

- D.2. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent. Additionally, every three (3) months, the Respondent shall notify the Department Monitor of the Respondent's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.
- D.3. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

Change of Treater or Approved Program by Board

- D.4. If the Board or its designee determines the Treater or Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Respondent continue treatment and rehabilitation under the direction of another Treater or Approved Program.

Petitions for Modification of Limitations or Termination of Order

- D.5. Respondent may petition the Board for modification of the terms of this Order or termination, however, no such petition for modification shall occur during the first year of Respondent's return to practice in Wisconsin, no such petition shall be made any earlier than three months from the date the Board has acted on the last such petition, and no such petition for termination shall occur other than in compliance with paragraph A.3. Any such petition for modification shall be accompanied by a written recommendation from Respondent's Treater expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within

the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.

Costs of Compliance

D.6. Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

Costs of Proceeding

D.7. Respondent shall pay costs of \$935.00 to the Department of Safety and Professional Services, within ninety (90) days of this Order. In the event Respondent fails to timely submit full payment of costs, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has paid them in full, together with any accrued interest.

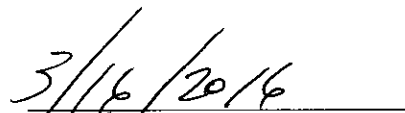
Additional Discipline

D.8. In addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 448.02(3).

WISCONSIN MEDICAL EXAMINING BOARD

By:

  
A Member of the Board

  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MICHAEL C. MACATOL, M.D.,  
RESPONDENT.

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STIPULATION

**0004608**

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Division of Legal Services and Compliance Case No. 15 MED 049

Respondent Michael C. Macatol, 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.

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

Stipulation  
In the matter of disciplinary proceedings against  
Michael C. Macatol, M.D., Case No. 15 MED 049

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.

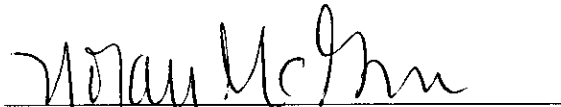
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Michael C. Macatol, M.D., Respondent  
60 E Spring Street, Ste. 320  
Columbus, OH 43215  
License no. 45503-20

2-26-2016  
Date



Yolanda McGowan, Prosecuting Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

3.3.16  
Date