

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

SLAWOMIR J. PUSZKARSKI, M.D.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0004760

Division of Legal Services and Compliance Case No. 15 MED 263

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

Slawomir J. Puskarski, M.D.
4119 Ridgeland Lane
Northbrook, IL 60062-4934

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 Slawomir J. Puskarski, M.D. (DOB December 23, 1961), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 36218-20, first issued on December 16, 1994, with registration expired as of October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4119 Ridgeland Lane, Northbrook, Illinois 60062-4934.

2. Respondent retains the right to automatically renew his Wisconsin registration to practice medicine and surgery until October 31, 2020.

3. On May 23, 2015, Respondent entered into Plea Agreement in United States District Court – Northern District of Illinois, Eastern Division Case No. 14 CR 570-1, *United States of America v. Slawomir Puskarski* (Plea Agreement).

4. Pursuant to the Plea Agreement, Respondent pled guilty to an “attempt to procure, contrary to law, the naturalization of any person, in violation of Title 18, United States Codes, Section 1425(a).”

5. The Plea Agreement establishes that on or about June 5, 2012, in Chicago, Illinois and elsewhere, Respondent knowingly attempted to procure the naturalization of another person by falsely claiming that “Individual A [an undercover federal law enforcement agent] suffered from vascular dementia with depressed mood, major depressive disorder, malicious hypertension, coronary artery disease, headaches, and a learning impairment that prevented Individual A from learning the English language and the United States history and civics.”

6. The Plea Agreement establishes that Respondent falsely completed and submitted an immigration form (Form N-648) to the United States Citizenship and Immigration Services, “served as the primary medical professional who would falsely certify...that Individual A had a qualifying disability or impairment,” and that Respondent “well knew at the time that Individual A was not suffering from any such disability or impairment.”

7. The Plea Agreement establishes that the federal offense level was increased “because the [Respondent] abused a position of trust, and used a special skill, in a manner that significantly facilitated the commission and concealment of the offense.”

8. On June 2, 2015, the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation (Illinois Board) issued an order summarily suspending Respondent’s Illinois medical license and Illinois controlled substance license.

9. On June 5, 2015, Respondent self-reported the Plea Agreement and Illinois Board action to the Department. However, for an unknown reason and by no fault of the Respondent, the Department did not receive Respondent’s correspondence.¹

10. On July 13, 2015, the Department received a complaint from a private entity with the Plea Agreement attached.

11. On July 31, 2015, Department staff sent Respondent a letter to his address of record requesting a statement. Respondent did not reply.

12. On August 26, 2015, Department staff sent Respondent an email attaching the July 31 letter, and requesting a statement no later than September 8, 2015. Respondent replied later in the day on August 26, stating only “I received your letter.” Respondent has not contacted the Department since.

¹ Respondent’s June 5, 2015 self-report was later provided to Division counsel.

13. October 8, 2015, Respondent was found guilty of Procurement of Citizenship or Naturalization, and was sentenced to two years of probation and assessed a fine of \$10,000.

14. Respondent did not report the federal conviction to the Department.

15. On April 15, 2016, the Illinois Board indefinitely suspended Respondent's Illinois medical license and Illinois controlled substance license.

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, Slawomir J. Puskarski, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(1)(e)² by knowingly making any false statement, written or oral, in the practice of medicine and surgery which created an unacceptable risk of harm to a patient, the public, or both.

3. By the conduct described in the Findings of Fact, Slawomir J. Puskarski, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(c) by having any credential pertaining to the practice of medicine and surgery or any act constituting the practice of medicine and surgery become subject to adverse determination by any agency of this or another state, or by any federal agency or authority.

4. By the conduct described in the Findings of Fact, Slawomir J. Puskarski, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(g) by failing to cooperate in a timely manner with the board's investigation of a complaint filed against him.

5. By the conduct described in the Findings of Fact, Slawomir J. Puskarski, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(h) by failing, within 30 days of conviction of any crime, to provide the board with certified copies of the criminal complaint and judgment of conviction.

6. By the conduct described in the Findings of Fact, Slawomir J. Puskarski, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(i) by violating a federal law or regulation that is substantially related to the practice of medicine and surgery.

7. As a result of the above conduct, Slawomir J. Puskarski, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

² All Wisconsin Administrative Code references are to the version in effect at the time of the conduct at issue.

2. The right of Slawomir J. Puskarski, M.D. to renew his license to practice medicine and surgery in the state of Wisconsin (no. 36218-20) is **SUSPENDED INDEFINITELY**.

3. The suspension may be fully or conditionally lifted, stayed, or continued at the sole discretion of the Wisconsin Medical Examining Board upon a petition for reinstatement by Respondent.

4. Any petition for reinstatement shall include proof to the satisfaction of the Board or its designee that Slawomir J. Puskarski, M.D.'s license to practice medicine and surgery in Illinois has been fully reinstated and is unlimited.

5. As a prerequisite to any petition for reinstatement, Slawomir J. Puskarski, M.D. shall pay **COSTS** of this matter in the amount of \$550.00.

6. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Slawomir J. Puskarski, M.D. to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
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

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare, and the Board in its discretion may impose additional conditions and limitations or other additional discipline, including revocation of Slawomir J. Puskarski, M.D.'s right to renew his Wisconsin registration to practice medicine and surgery.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:

T. Wesslake
A Member of the Board

Date

6/15/16

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SLAWOMIR J. PUSZKARSKI, M.D.,
RESPONDENT.

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:
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:
:

STIPULATION

0004760

Division of Legal Services and Compliance Case No. 15 MED 263

Respondent Slawomir J. Puskarski, 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 Lillian Walanka.


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.

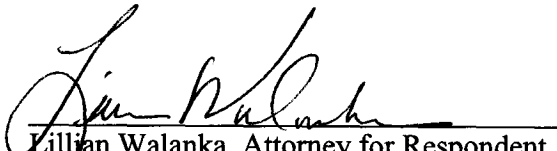
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

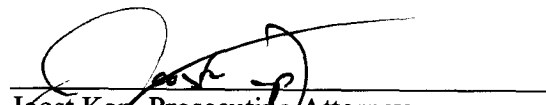
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Slawomir J. Puskarski, M.D., Respondent
4119 Ridgeland Lane
Northbrook, IL 60062-4934
License no. 36218-20

5/16/16
Date


Lillian Walanka, Attorney for Respondent
Crick Walanka Law Group, Ltd.
111 West Washington St., Suite 1820
Chicago, IL 60602

5/23/16
Date


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

5/27/16
Date