

## 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  
R. STEPHEN CALLGHAN, M.D., :  
RESPONDENT. : **0006189**

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Division of Legal Services and Compliance Case Nos. 15 MED 419 and 15 MED 472

The parties to these actions for the purpose of Wis. Stat. § 227.53 are:

R. Stephen Callaghan, M.D.  
8700 Durand Ave., Ste 600  
Sturtevant, WI 53177-2096

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 these matters agree to the terms and conditions of the attached Stipulation as the final disposition of these matters, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in these matters adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent R. Stephen Callaghan, M.D. (DOB May 23, 1964), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 36202-20, first issued on December 16, 1994, with registration current through October 31, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 8700 Durand Ave., Ste 600, Sturtevant, Wisconsin 53177.

2. Respondent practices psychiatry and is certified by the American Board of Psychiatry and Neurology.

3. The Department's Division of Legal Services and Compliance (Division) opened case number 15 MED 419 for investigation based on a referral from the United States Drug Enforcement Administration (DEA) which investigated Respondent's prescribing of controlled substances, specifically stimulants and benzodiazepines.

4. The Division opened case number 15 MED 472 for investigation based on a complaint filed by the mother of Respondent's female patient, alleging that Respondent overprescribed stimulants and benzodiazepines to her daughter when he knew or should have known she abused them.

5. The Division and DEA investigated Respondent's prescribing by interviewing and otherwise gathering information from pharmacists, other providers, Respondent's past and current patients, and other individuals.

6. The Division obtained information about Respondent's prescribing from the Wisconsin Prescription Drug Monitoring Program (PDMP) database and available patient records.

7. The Division's investigation found that between 2014 and 2016, Respondent prescribed high dosages of stimulants and/or benzodiazepines under the following circumstances:

- a. in potentially dangerous combinations and/or dosages;
- b. without adequate or any examinations and/or diagnoses to support his prescribing;
- c. without adequate or any medical record-keeping;
- d. without obtaining adequate or any informed consent; and
- e. without adequate or any measures to prevent diversion and/or abuse of the controlled substances he prescribed.

8. Since the Division and DEA investigations, Respondent has significantly moderated his prescribing as demonstrated by 2018 and 2019 PDMP Prescriber Metrics Reports provided to the Division.

9. In resolution of these matters, 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 R. Stephen Callaghan, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(c) by prescribing, ordering, dispensing, administering, supplying, selling, giving, or

obtaining any prescription medication in any manner that is inconsistent with the standard of minimal competence.

3. By the conduct described in the Findings of Fact, Respondent R. Stephen Callaghan, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(j) by performing an act constituting the practice of medicine and surgery without required informed consent under Wis. Stat. § 448.30.

4. By the conduct described in the Findings of Fact, Respondent R. Stephen Callaghan, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(e) by failing to establish and maintain timely patient health care records, including records of prescription orders, under Wis. Admin. Code § Med 21.03, or as otherwise required by law.

5. As a result of the above conduct, R. Stephen Callaghan M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.
2. Respondent R. Stephen Callaghan, M.D., is REPRIMANDED.
3. The license of R. Stephen Callaghan, M.D., to practice medicine and surgery in the state of Wisconsin (license no. 36202-20) is LIMITED as follows:
  - a. Within six (6) months of the date of this Order, Respondent shall successfully complete six (6) credits of continuing medical education on the topic of prescribing for psychiatrists.
  - b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval from the Wisconsin Medical Examining Board or its designee of any course not specifically identified above prior to commencement of the course(s).
  - c. Within thirty (30) days of completion of the educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that he has attended, in its entirety, the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.
  - d. Respondent is responsible for all costs associated with compliance with this educational requirement.
  - e. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

4. Within ninety (90) days from the date of this Order, R. Stephen Callaghan, M.D., shall pay COSTS of these matters in the amount of \$3,710.00.

5. Request for course approval and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be submitted 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](mailto:DSPSMonitoring@wisconsin.gov)

Or they may be submitted online via the Department's Monitoring Case Management System:  
<https://app.wi.gov/DSPSMonitoring>

6. In the event Respondent violates any term of this Order, Respondent's license (no. 36202-20), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

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

R. STEPHEN CALLAGHAN, M.D.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

0086189

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Division of Legal Services and Compliance Case Nos. 15 MED 419 and 15 MED 472

Respondent R. Stephen Callaghan, 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 pending investigations by the Division of Legal Services and Compliance. Respondent consents to the resolution of these investigations 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 matters 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.

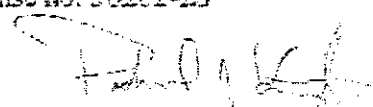
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in these investigations may appear before the Board in open or closed session, without the presence of Respondent or Respondent's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

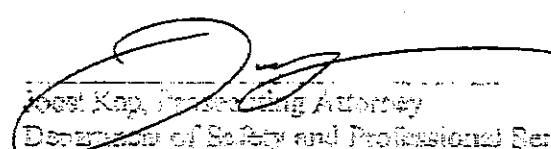
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
R. Stephen Callaghan, M.D., Respondent  
8700 Durand Ave., Ste. 600  
Sturtevant, WI 53177-2096  
License no. 36202-20

4/18/19  
Date

  
Patrick J. Knight, Attorney for Respondent  
Orsbel, Reilly, Guerin & Brown LLP  
330 East Kilbuckon Ave., Ste. 1170  
Milwaukee, WI 53202

4/19/19  
Date

  
Post Kap, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7150  
Madison, WI 53701-7150

4/19/19  
Date