

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 :
STEPHEN B. MASON, M.D., : FINAL DECISION AND ORDER
RESPONDENT. : **ORDER 0006350**

Division of Legal Services and Compliance Case Nos. 16 MED 487 and 18 MED 057

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

Stephen B. Mason, M.D.
80 E. Hancock Street, Apt. 404
Detroit, MI 48201

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 Stephen B. Mason, M.D. (DOB September 28, 1970), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 50257-20, first issued on April 16, 2007, with registration EXPIRED on October 31, 2017. Respondent retains the right to renew the license until October 31, 2022, by paying a fee. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 80 E. Hancock Street, Apt. 404, Detroit, Michigan 48201.
2. Respondent is or has been licensed to practice medicine in Michigan and Indiana.
3. Respondent last practiced medicine in Wisconsin in 2011.

Division of Legal Services and Compliance Case No. 16 MED 487

4. On August 22, 2017, Respondent pled guilty in the United States District Court, Eastern District of Michigan, to one count of Conspiracy to Commit Health Care Fraud in violation of 18 U.S.C. §1349.¹

5. The conviction stemmed from home health visits Respondent conducted in Michigan between 2011 and 2013, for which he submitted fraudulent Medicare claims.

6. Respondent was ordered to pay restitution in the amount of \$1,043,401 and in October 2017, began serving an 18-month sentence at a federal correctional facility with 24 months of supervised release to follow. He has since been released and is living in Detroit, Michigan.

7. On May 15, 2019, Respondent and the Michigan Board of Medicine (Michigan Board) entered into a Consent Order and Stipulation (Michigan Order) which contains, *inter alia*, the following terms:

- a. Respondent's Michigan medical license is suspended for two years from the date of the Michigan Order;
- b. Respondent is fined \$50,000;
- c. Respondent may petition for the reinstatement of his Michigan medical license after the two-year suspension contingent on his first paying the \$50,000 fine; and
- d. In any petition for reinstatement, Respondent must demonstrate the following by clear and convincing evidence:
 - i. Good moral character;
 - ii. The ability to practice the profession with reasonable skill and safety;
 - iii. Satisfaction of the guidelines on reinstatement adopted by the [Michigan Board]; and
 - iv. That it is in the public interest for the license to be reinstated.

8. The Michigan Order references mitigating factors that Respondent took full responsibility for his actions and "provided significant cooperation to the government in the criminal prosecution of the underlying matter."

¹ Case Number 0645 2:15CR20362 (2)

Division of Legal Services and Compliance Case No. 18 MED 057

9. On February 16, 2018, the Department received a report from the Federation of State Medical Boards reflecting that Respondent's license to practice medicine in Indiana had been suspended for the same reasons at issue in case number 16 MED 487.

10. On March 2, 2018, the Department's Division of Legal Services and Compliance opened case number 18 MED 057 as a companion to case number 16 MED 487.

11. 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 these matters 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 Stephen B. Mason, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(i) by being convicted of a federal law or regulation that is substantially related to the practice of medicine and surgery.

3. By the conduct described in the Findings of Fact, Respondent Stephen B. Mason, 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. As a result of the above conduct, Stephen B. Mason, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. The right of Stephen B. Mason, M.D., to renew his license to practice medicine and surgery in the state of Wisconsin (license no. 50257-20) is hereby SUSPENDED, effective the date of this Order.

3. Respondent is to maintain full and complete compliance with all terms, limitations, and conditions imposed under the Michigan Order.

4. Respondent shall provide the Board with a copy of any document issued by the Michigan Board which alters the Michigan Order, including any document advising reinstatement of licensure.

5. A determination by the Michigan Board that Respondent has violated any term, limitation, and/or condition imposed under the Michigan Order, is deemed a violation for purposes of the Board.

6. Respondent may petition for reinstatement of his Wisconsin license to practice medicine and the appurtenant right to renew that license, upon providing proof sufficient to the Board, or its designee, that the Michigan Board has reinstated his Michigan license to practice medicine.

7. As a prerequisite to any petition for reinstatement, Respondent shall pay COSTS of these matters in the amount of \$1,420.00.

8. The Board may, in its discretion, deny or grant any petition for reinstatement, and if granted, may impose any conditions or limitations it deems necessary to ensure the safety of Wisconsin patients and public.

9. Any submissions required under this Order and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent 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

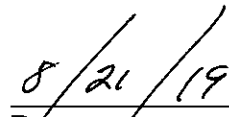
You may also submit payment via the DSPS Monitoring Case Management System:
<https://app.wi.gov/DSPSMonitoring>

10. In the event Respondent violates any term of this Order, in addition to any other action authorized by this Order or law, the Board, in its discretion, may impose additional limitations or pursue separate disciplinary action against Respondent.

11. 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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

STEPHEN B. MASON, M.D.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0006350

Division of Legal Services and Compliance Case Nos. 16 MED 487 and 18 MED 057

Respondent Stephen B. Mason, 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. Respondent is represented by Attorney Peyton Engel.

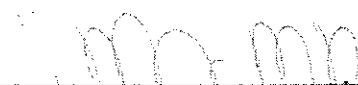
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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.



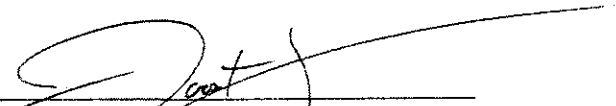
Stephen B. Mason, M.D., Respondent
80 E. Hancock Street, Apt. 404
Detroit, MI 48201
License no. 50257-20

07/31/2019
Date



Peyton Engel, Attorney for Respondent
Hurley, Burish, & Stanton, S.C.
33 E. Main Street, Suite 400
P.O. Box 1528
Madison, WI 53701

8/5/2019
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

8/5/2019
Date