

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 :
 : FINAL DECISION AND ORDER
MELISSA Y. MACIAS, M.D., :
RESPONDENT. :

0005273

Division of Legal Services and Compliance Case No. 16 MED 180

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

Melissa Y. Macias, M.D.
South Texas Brain and Spine Center
1227 Third Street
Corpus Christi, Texas 78404

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 Melissa Y. Macias, M.D. (DOB July 23, 1967), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 46058-20, first issued on September 2, 2003, with registration current through October 31, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is South Texas Brain and Spine Center, 1227 Third Street, Corpus Christi, Texas 78404.

2. Respondent is a board certified neurosurgeon and is also licensed to practice medicine in Texas. She has no prior disciplinary history before the Board.

3. Between February 2015 and November 2016, Respondent was employed as a neurosurgeon at a medical facility in Milwaukee, Wisconsin (Employer).

4. On March 1, 2016, Respondent became intoxicated, drove her vehicle, and was pulled over by law enforcement. She underwent testing for alcohol impairment, and was arrested and held overnight in a county jail.

5. Respondent was scheduled to work the following afternoon and later that week, but her Employer re-scheduled her patients through March 10, 2016, when Respondent and her Employer entered into an agreement by which Respondent was required to, in part:

- a. totally abstain from alcohol or other drugs so that no such substances will be detectable in any way at any time Respondent is engaged in hospital-related duties;
- b. comply with AODA treatment and testing, at her own expense;
- c. provide quarterly reports from her treatment provider verifying Respondent's adherence to the treatment plan and fitness for clinical practice; and
- d. if any alcohol or other drugs are detected in Respondent's blood, urine or breath at any time, it is deemed an automatic and voluntary resignation without right to hearing or appeal.

6. On August 31, 2016, Respondent was convicted of OWI (3rd) and self-reported the conviction to the Department on the same day.¹

7. The Department's investigation showed Respondent fully complied with AODA treatment, maintained complete sobriety, and passed all regular and random testing.

8. In November 2016, Respondent accepted a neurosurgery position at the South Texas Brain and Spine Center in Corpus Christi, Texas (South Texas).

9. On February 1, 2017, Respondent and South Texas entered into an agreement by which Respondent is required to, in part:

- a. totally abstain from alcohol or other drugs so that no such substances will be detectable in any way at any time Respondent is engaged in hospital-related duties;
- b. comply with AODA treatment and testing, at her own expense;
- c. provide quarterly reports from her treatment provider verifying Respondent's adherence to the treatment plan and fitness for clinical practice; and
- d. if any alcohol or other drugs are detected in Respondent's blood, urine or breath at any time, it is deemed an automatic and voluntary resignation without right to hearing or appeal.

¹ Prior OWI convictions in 1991 (Illinois) and 2014 (Wisconsin).

(South Texas Agreement)

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).

ORDER

1. The attached stipulation is accepted.
2. The license of Melissa Y. Macias, M.D., to practice medicine and surgery (license no. 46058-20) in the state of Wisconsin is LIMITED as follows:
 - a. Respondent shall comply with the terms of the South Texas Agreement.
 - b. Respondent shall provide the Department Monitor full and complete copies of all reports required under the South Texas Agreement within seven (7) days of submitting them to South Texas.
 - c. Respondent shall report any violation of the South Texas Agreement to the Department Monitor within seven (7) days.
 - d. If Respondent is no longer employed by South Texas for any reason, she shall notify the Department Monitor thereof, and any new place of employment, within fourteen (14) days.
 - e. If Respondent returns to Wisconsin to practice medicine, she shall notify the Department Monitor thereof, including her Wisconsin place of employment, at least thirty (30) days prior to the employment start date.
 - f. If Respondent returns to Wisconsin to practice medicine, she shall provide the Department Monitor with a copy of any agreement required by her Wisconsin employer imposing the same or similar terms as the South Texas Agreement. In the event no such agreement exists, the Board may issue an order imposing such terms and conditions as deemed necessary and appropriate in the sole discretion of the Board or its designee, without right to hearing or appeal.
3. This limitation shall remain in effect for three (3) years from the date of this Order or until the expiration of Respondent's license to practice medicine and surgery in Wisconsin (license no. 46058-20) whichever is sooner.
4. In the event this limitation terminates by the expiration of Respondent's license to practice medicine and surgery in Wisconsin (license no. 46058-20) and Respondent subsequently seeks to renew her license to practice medicine and surgery in Wisconsin, she shall as a prerequisite to any renewal provide the Board or its designee with all information required under the terms of this Order and any other information the Board or its designee deems necessary to assess Respondent's ability to safely practice medicine. The Board may then, in its sole discretion, impose reasonable AODA treatment and monitoring conditions, which are no more stringent than those set out above, on the renewal of Respondent's license to practice medicine and surgery in Wisconsin (license no. 46058-20).

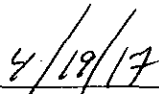
5. Any violation of this Order shall be the basis for further disciplinary proceedings against Respondent.

6. Any reports and other submissions required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor
Wisconsin Department of Safety and Professional Services
Division of Legal Services and Compliance
1400 East Washington Ave.
P.O. Box 7190
Madison, WI 53707-7190
Fax: (608) 266-2264
Telephone: (608) 267-3817
DSPSMonitoring@wisconsin.gov

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

MELISSA Y. MACIAS, M.D.,
RESPONDENT.

STIPULATION

0005273

Division of Legal Services and Compliance Case No. 16 MED 180

Respondent Melissa Y. Macias, 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 Michael Hart.


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 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.

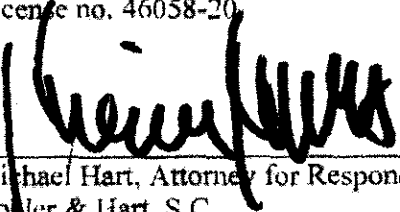
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Melissa Y. Macias, M.D., Respondent
South Texas Brain and Spine Center
1227 Third Street
Corpus Christie, Texas 78404
License no. 46058-20

4/6/17

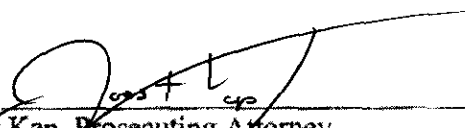
Date



Michael Hart, Attorney for Respondent
Kohler & Hart, S.C.
735 N. Water Street, Suite 1212
Milwaukee, WI 53202

April 6, 2017

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

4/6/17

Date