

Kap, Joost - DSPS

From: Kap, Joost - DSPS
Sent: Wednesday, February 15, 2017 12:12 PM
To: 'Michael Hart'
Subject: RE: 16 MED 180 Macias

Ken Simons, but there were a number of others who were not comfortable with the closure.

Joost

From: Michael Hart [mailto:mfhart@kohlerhartpowell.com]
Sent: Wednesday, February 15, 2017 11:52 AM
To: Kap, Joost - DSPS
Subject: RE: 16 MED 180 Macias

I figured as much. This is really too bad. Who is the Board Chair?

-MFH.



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From: Kap, Joost - DSPS [mailto:Joost.Kap@wisconsin.gov]
Sent: Wednesday, February 15, 2017 11:51 AM
To: Michael Hart <mfhart@kohlerhartpowell.com>
Subject: FW: 16 MED 180 Macias

That should obviously read that the Board felt the March 2016 incident was ~~not~~ substantially related to the practice of medicine.

From: Kap, Joost - DSPS
Sent: Wednesday, February 15, 2017 10:14 AM
To: 'Michael Hart'
Subject: RE: 16 MED 180 Macias

Mike,

The Board rejected the closure of this case. I was called in to the meeting and spent ~15 minutes answering questions about my and the case advisor's reasoning for the recommendation. I advocated for the proposed resolution, but in the end a number of Board members, including the chair, felt very strongly that the March 2016 incident was not substantially related to the practice of medicine. See Wis. Admin. Code s. Med 10.03(3)(i).

I need to confer with the advisor after the meeting concludes, but based on the questions and discussion while I was in there, I believe Dr. Macias will have two options. First, she can surrender her Wisconsin medical license and the right to renew it. This can be accomplished with an order containing relatively benign language, with no finding of wrongdoing, and wherein she denies the allegations, but agrees to surrender the license and the appurtenant right to renew it. Second, is an order which imposes a limitation by which she provides the Department with regular updates from her AODA providers attesting to her continued sobriety.

Both options are public and reportable to the National Practitioner Databank, and likely to other state boards, medical certifying boards, insurers etc., depending on the requirements imposed by each individual entity. It would be Dr. Macias' sole responsibility to determine the exact reporting requirements to those other entities; we cannot and do not advise license holders on that.

If she declines both options, I will have to file a complaint initiating an administrative hearing process. That culminates in a hearing before an administrative law judge who then issues a proposed decision and order which is subject to review, variance, and final approval by the Board.

Please let me know if you have questions regarding the options described above.

Joost

From: Michael Hart [<mailto:mfhart@kohlerhartpowell.com>]
Sent: Monday, February 06, 2017 4:38 PM
To: Kap, Joost - DSPS
Subject: RE: 16 MED 180 Macias

Thank you.

-MFH.



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From: Kap, Joost - DSPS [<mailto:Joost.Kap@wisconsin.gov>]
Sent: Monday, February 06, 2017 4:37 PM
To: Michael Hart <mfhart@kohlerhartpowell.com>
Subject: RE: 16 MED 180 Macias

Got your voicemail, no worries. My first name is Joost so you had it right. Has happened before; will happen again. I'll let you know what the board does Feb. 15.

Joost

From: Michael Hart [<mailto:mfhart@kohlerhartpowell.com>]
Sent: Monday, February 06, 2017 4:22 PM
To: Kap, Joost - DSPS
Subject: RE: 16 MED 180 Macias

Sorry meant to type Kap instead of Joost.

My apologies.

-MFH.



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From: Kap, Joost - DSPS [<mailto:Joost.Kap@wisconsin.gov>]
Sent: Monday, February 06, 2017 3:31 PM
To: Michael Hart <mfhart@kohlerhartpowell.com>
Subject: 16 MED 180 Macias

Mike,

The case advisor and I have agreed to recommend that the medical board close this matter involving Dr. Macias with no further action. The recommendation will be taken up by the board at their February 15 meeting. While the board does,

on rare occasion, refuse a joint recommendation by the advisor and prosecutor, I have no reason to believe they will do so here.

Joost

Joost Kap

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