

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF  
THE INVESTIGATION OF

CHARLES D. MORGAN, M.D.,

LS0306182MED

Licensee

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ORDER ADOPTING STIPULATION

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An informal settlement conference was conducted in this matter on October 23, 2002. The board's Informal Settlement Conference Committee included Bhupinder Saini, M.D., and Darold Treffert, M.D. Dr. Morgan appeared in person and by Attorney Colleen O'Connor Patzer. Others present included Arthur Thexton, attorney for the Division of Enforcement, and Wayne Austin, the board's legal counsel.

Following the conference, Dr. Morgan and the board entered into a Stipulation resolving the matter, a copy of which is attached hereto and made a part hereof. Based upon that the Stipulation, the board orders as follows:

NOW, THEREFORE, IT IS ORDERED that Dr. Morgan shall within six months complete the Intensive Course in Controlled Substances Management offered by Case Western Reserve University, School of Medicine, Cleveland, Ohio, including the pre-test and post-test.

IT IS FURTHER ORDERED that Dr. Morgan shall familiarize himself and comply with contemporary pain guidelines for treating patients with chronic pain.

IT IS FURTHER ORDERED that Dr. Morgan shall permit the board's agent to examine his medical records for chronic pain patients six months following his completion of the Case Western educational program.

Dated this 18<sup>th</sup> day of June, 2002.

STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

Alfred Franger

Secretary

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : INTERIM ORDER  
CHARLES D. MORGAN, M.D., : LS0808206MED  
RESPONDENT. :

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[Division of Enforcement Case # 08 MED 207]

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

Charles D. Morgan, M.D.  
2700 W. 9<sup>th</sup> Avenue #320  
Oshkosh, WI 54904

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Medical Examining Board  
Department of Regulation & Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as an interim Order in this matter subject to the approval of the Medical Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Charles D. Morgan, M.D., date of birth February 24, 1946, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin pursuant to license number 40776, which was first granted February 26, 1999.

2. Respondent's last address reported to the Department of Regulation and Licensing is 2700 W. 9<sup>th</sup> Avenue #320, Oshkosh, WI 54904.

3. Respondent's specialty is psychiatry.

4. Ms. A is 28 years old and was diagnosed with bi-polar disorder when she was 19 years old. For approximately two years ending June 26, 2008, Respondent was Ms. A's psychiatrist and provided her with medication checks and psychotherapy.

5. On June 17, 2008, Respondent admitted Ms. A to the Behavioral Unit at Mercy Medical Center in Oshkosh, Wisconsin for electroconvulsive therapy (ECT), which she received on June 18 and 20. While Ms. A was hospitalized, Respondent kissed her on the lips on two separate days. During the second kiss, Respondent inserted his tongue in Ms. A's mouth.

6. When Ms. A was discharged on Saturday, June 21, Respondent told her he wanted to talk with her and had her

meet him at his office which was also in the Medical Center. She went to his office and sat on his couch. Respondent sat on the couch next to Ms. A, began kissing her, pushed his hand down the front of her shorts and inserted his fingers in her vagina. While doing those things, Respondent ejaculated on Ms. A's shirt. Ms. A says she never gave consent for this touching and that while it was occurring, she was thinking: Oh my God. This can't be happening.

7. The following day, Respondent called Ms. A's cell phone and home phone. He left a message in which he said that what had happened at the office needed to stay confidential because he could lose his license.

8. On June 26, Ms. A called her counselor and told him what had happened with Respondent. She then was admitted in the Behavioral Unit at St. Elizabeth's Hospital in Appleton. While there, Ms. A contacted the Oshkosh Police Department and reported the events of June 21 to detectives. Ms. A provided the detectives with the unwashed shirt she had been wearing on June 21 and it was sent to the State Crime Lab for DNA analysis.

9. Oshkosh detectives interviewed Respondent about the events. According to their report, he said:

- a. He had developed a physical attraction for Ms. A over the past month.
- b. She was a vulnerable adult.
- c. He kissed her while she was on the Behavioral Unit at Mercy Medical Center, but she was the aggressor and a predator.
- d. She came on to him and wanted him to have sexual contact with her and he finally gave in.
- e. He knew it was wrong morally, ethically and legally.

10. As a result of the police investigation, on June 30, 2008, Respondent was charged in Winnebago County Circuit Court case number 2008CF441 with two counts of violating Wis. Stat. § 940.22 [Sexual Exploitation by Therapist] and two counts of violating Wis. Stat. § 940.225(3) [3<sup>rd</sup> Degree Sexual Assault]. A preliminary hearing was held on July 17 and Respondent was bound over for trial. It is set for jury trial to begin December 17, 2008.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3), and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in sexual contact with his patient, has committed unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(zd), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

3. Respondent has engaged in conduct which constitutes a danger to his patient, which is unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(h), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Charles D. Morgan, M.D., to practice medicine and surgery in the State of Wisconsin is hereby SUSPENDED.

2. This suspension shall remain in effect until one of the following occurs:

a. Respondent providing satisfactory evidence to the Board that all counts, filed or to be filed, in Winnebago County Circuit Court case number 2008CF441 have been dismissed.

b. The Board issues a Final Decision and Order in a disciplinary proceeding against Respondent, which is based upon Division of Enforcement investigative file 08 MED 207.

3. Evidence shall be provided to:

Department Monitor  
Wisconsin Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue

P.O. Box 8935  
Madison, WI 53708-8935  
Fax: (608) 266-2264  
Telephone: (608) 267-3817

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

Wisconsin Medical Examining Board

By: Gene Musser MD  
A Member of the Board

8/20/08  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
CHARLES D. MORGAN, M.D., : FINAL DECISION AND ORDER  
RESPONDENT. : LS 0808206 MED

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[Division of Enforcement Case # 08 MED 207]

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

Charles D. Morgan, M.D.  
7490 Ridgeside Drive  
Neenah, WI 54956

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Medical Examining Board  
Department of Regulation & Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

An Interim Order was issued by the Board on August 20, 2008 and remains in effect which suspended Respondent's license to practice medicine and surgery. The Notice of Hearing and Complaint were filed and served on August 31, 2010. The hearing is scheduled for February 2, 2010, but the parties agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Medical Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Charles D. Morgan, M.D., date of birth February 24, 1946, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin pursuant to license number 40776, which was first granted February 26, 1999. Respondent's license has been suspended since August 20, 2008.
2. Respondent's last address reported to the Department of Regulation and Licensing is 7490 Ridgeside Drive, Neenah, WI 54956.
3. Respondent's specialty is psychiatry.

4. Ms. A was diagnosed with bi-polar disorder when she was 19 years old. For approximately two years ending June 26, 2008 when Ms. A was 28 years old, Respondent was Ms. A's psychiatrist and provided her with medication checks and psychotherapy.

5. On June 17, 2008, Respondent admitted Ms. A to the Behavioral Unit at Mercy Medical Center in Oshkosh, Wisconsin for electroconvulsive therapy (ECT). While Ms. A was hospitalized, Respondent and Ms. A kissed romantically.

6. When Ms. A was discharged on Saturday, June 21, Respondent told her he wanted to talk with her and had her meet him at his office which was also in the Medical Center. She went to his office and while she was there Respondent engaged in sexual contact with her which resulted in his orgasm.

7. The following day, Respondent called Ms. A's cell phone and home phone and left a message that what had happened at the office needed to stay confidential because he could lose his license.

8. On June 26, Ms. A called her counselor and told him what had happened with Respondent. She was admitted in the Behavioral Unit at St. Elizabeth's Hospital in Appleton. While there, Ms. A contacted the Oshkosh Police Department and reported the events of June 21 to detectives. Oshkosh detectives interviewed Respondent about the events. According to their report, he said:

- a. He had developed a physical attraction for Ms. A over the past month.
- b. She was a vulnerable adult.
- c. They kissed while she was on the Behavioral Unit at Mercy Medical Center, but she was the aggressor and a predator.
- d. She came on to him and wanted him to have sexual contact with her and he finally gave in.
- e. He knew it was wrong morally, ethically and legally.

9. As a result of the police investigation, on June 30, 2008, Respondent was charged in Winnebago County Circuit Court case number 2008CF441 with two counts of violating Wis. Stat. § 940.22(2) [Sexual Exploitation by Therapist] and two counts of violating Wis. Stat. § 940.225(3) [3<sup>rd</sup> Degree Sexual Assault].

- a. On December 18, 2008, Respondent entered into a plea agreement by which:
  - 1) Respondent pled no contest and was found guilty and convicted of two counts of Sexual Exploitation by Therapist, a violation of Wis. Stat. § 940.22(2), a Class F felony.
  - 2) The two counts of 3<sup>rd</sup> Degree Sexual Assault were dismissed.
- b. On March 19, 2009, sentence was withheld and Respondent was placed on probation for a 6-year period concurrent on each count. Conditions of probation included:
  - a. 9-months jail time, with Huber privileges.
  - b. 200 hours community service.
  - c. No practicing psychology or psychiatry.

- d. No counseling people in vulnerable positions or employment that would permit Respondent to have authority over vulnerable people.
- e. Respondent registering as sex offender and complying with sex offender counseling.

10. Wis. Stat. § 940.22(2) is a law the circumstances of which substantially relate to the circumstances of the practice of medicine.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3), and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in sexual contact with his patient, has committed unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(zd), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

3. Respondent has engaged in conduct which constitutes a danger to his patient, which is unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(h), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

4. Respondent, by violating a law the circumstances of which substantially relate to the circumstances of the practice of medicine has committed unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(z), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Charles D. Morgan, M.D., of his license to practice medicine and surgery in the state of Wisconsin is hereby ACCEPTED.

2. If Respondent ever makes application to the Board for any credential:

a. Respondent shall provide proof sufficient to the Board that he does not suffer from any condition which would interfere with his practicing with reasonable safety and skill.

b. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board

c. Respondent shall, prior to becoming licensed, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$2,550.00 pursuant to Wis. Stat. § 440.22(2).

3. Payment shall be mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264  
Telephone (608) 267-3817

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

Wisconsin Medical Examining Board

By: Skala MD MBA 19 Jan 2011  
A Member of the Board Date

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