

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
GARY T. PROHASKA, M.D., :
RESPONDENT. : 0004011

Division of Legal Services and Compliance Case No. 14 MED 593

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

Gary T. Prohaska, M.D.
342 Red River Rd
Palm Desert, CA 92211

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 Gary T. Prohaska, M.D. (dob January 08, 1936), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 36708-20, first issued on June 30, 1995. Respondent's registration expired on October 31, 2013; however, he retains the right to renew his Wisconsin registration to practice medicine and surgery until October 31, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 342 Red River Road, Palm Desert, California 92211.

2. Respondent was previously licensed to practice medicine in California.

3. Respondent has been diagnosed with a permanent cognitive impairment which renders him unsafe to practice medicine.

4. On November 07, 2014, the Medical Board of the California Department of Consumer Affairs accepted the surrender of Respondent's California medical license (C 42755) due to health related problems.

5. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

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 SURRENDER of the license by Gary T. Prohaska, M.D. (license no. 36708-20), to practice medicine and surgery in the state of Wisconsin and the right to renew that license is hereby accepted, effective the date of this Order.

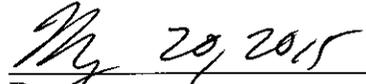
3. In the event that Respondent petitions the Wisconsin Medical Examining Board for re-licensure to practice medicine and surgery in the future, the Board may enter an order denying such application without further notice or hearing, and may in its full discretion require any inquiry, evaluation, or other conditions prior to considering Respondent's petition for re-licensure. Whether to grant Respondent a license and whether to impose any limitations or restrictions on any license granted shall be in the full discretion of the Board.

4. If Respondent ever seeks any license under Wis. Stat. chs. 440-480, he shall as a prerequisite to application pay COSTS of this matter in the amount of \$190.00. If Respondent never again seeks licensure in Wisconsin, the Department waives the above-stated costs.

5. 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

GARY T. PROHASKA, M.D.,
RESPONDENT.

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:
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:
:

STIPULATION

0004011

Division of Legal Services and Compliance Case No. 14 MED 593

Respondent Gary T. Prohaska, 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.

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

Stipulation
In the matter of disciplinary proceedings against
Gary T. Prohaska, M.D., Case no. 14 MED 593

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.

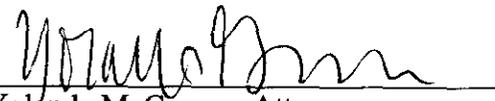
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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


Authorized Representative/Conservator for
Gary T. Prohaska, M.D., Respondent
342 Red River Road
Palm Desert, CA 92211
License No. 36708-20

5/4/15
Date


Yolanda McGowan, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

5/4/15
Date