



New Caregiver Law - 1997 WI ACT 27 (Biennial Budget)

On October 1, 1998, a new Wisconsin law went into effect which provides new and stringent checks of the backgrounds of persons who provide care for others or have access to persons receiving care.

Beginning on October 1, 1998, the state of Wisconsin mandated that background checks will be required for all persons who seek to be employed in the caregiving industry and for all persons who want to obtain or renew a license to provide care. By October 1, 1999, all existing

employees/contractors and license holders must have fulfilled the caregiver background check requirements.

A completed background check as prescribed under Wisconsin's law includes:

- * A completed self-disclosure Background Information Disclosure form;
- * An electronic status check of professional licenses and credentials through the Department of Regulation and Licensing;
- * An electronic criminal history search from the Wisconsin Department of Justice;
- * An electronic review of records kept by the Department of Health and Family Services for any substantiated findings of abuse or neglect and license restrictions or denials.

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Based on the information obtained, additional research may include an out-of-state criminal history search, a tribal court criminal history search, a check of relevant military records or a check of county or other local records.

Once the background research is complete, employers and government agencies are

Contents

New Caregiver Law.....	1
Board Roster.....	1
Prescription IQ.....	2
Discipline.....	4
Administrative Warnings New Tool for MEB	5
Telephone Directory & Miscellaneous.....	6

expected to act according to the requirements of the new law coupled with prudent business practices. These new background checks will be used by the state in making employment and licensing decisions since various studies have shown predictable patterns of abuse, neglect and misappropriation. Therefore, a background which includes specific crimes and offenses will effectively exclude individuals from certain employment or prohibit them from obtaining a license to practice certain professions.

Those who wish to obtain more detailed information regarding the new law may do so through accessing the following web site: "www.dhfs.state.wi.us" and click on "News & Initiatives."

New Officers Elected

Recently elected officers of the Medical Examining Board are: Glenn Hoberg, D.O., Chairman; Wanda Roever, Vice Chairman and Ronald Grossman, M.D., Secretary.

Medical Board Advisory Councils

The following is the current membership and expiration dates of the members of the advisory councils to the Medical Examining Board. If you would be interested in serving on one of these councils, please submit your name and resume along with at least one letter of reference to Chairman, Wisconsin Medical Examining Board, Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

Respiratory Care Practitioner's Council

David L. Ballard, Hartland, term exp. 07/01/2000
Peter Sanville, Stoughton, term exp. 07/01/2001
Gloria A. Beaser**, LaCrosse, term exp. 07/09/99
Basil Varkey, M.D., term exp. 07/01/99

Occupational Therapy Examining Council

Wayne Winistorfer, O.T., Oshkosh, term exp. 07/01/99
Joann G. Jansen, Madison, term exp. 07/01/2000
Sandra Decker, O.T.A., Green Bay, term exp. 07/01/2001
Vacancy*
Vacancy*

Physicians Assistants Council

Glen D. Brandt, P.A., Madison, term exp. 07/01/2000
Susan Skaros, P.A., Milwaukee, term exp. 07/01/98
Jerry Noack, P.A., Madison, Appointed by the Dean of Allied Health of the UW for an unspecified term
Bernard Saffold, Milwaukee, term exp. 07/01/2000
Vacancy

Check Your Prescription I.Q.

It makes sense to review some "do's and don'ts" of prescribing from time to time - and now is a good time to review prescribing practices for drug abusers or suspected drug abusers.

No matter how well-intentioned, it is contrary to federal regulations (and therefore to Med 10.02(2)(p) and (z) of the Wisconsin Administrative Code) to prescribe a controlled substance for the purpose of maintaining a patient diagnosed with drug dependence. Such prescribing, including prescribing methadone for maintenance treatment of addiction, requires a special permit from the Drug Enforcement Agency (DEA), under the federal Narcotic Addict Treatment Act of 1974.

It is perfectly legal, however, to use methadone for analgesic purposes.

It is hoped this information will be helpful to anyone considering prescribing these substances. **Three Wisconsin physicians have been reprimanded recently by the Medical Examining Board for violating this rule.**

For specific questions about federal rules regarding using controlled substances in treating addiction, you can contact the Milwaukee office of the DEA at 414-297-3395.

ALERT ALERT ALERT
The next renewal for credential holders under the Medical Examining Board will be October 31, 1999. Renewal notices will be mailed about 6 weeks prior to that date.

Please notify the Department, in writing, of any change of address prior to September 1.

Social Security numbers will need to be included on your renewal form.

BUREAU OF HEALTH PROFESSIONS
1999 BOARD MEMBERS

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<u>Title</u>	<u>Name</u>
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MEMBER	Dr. W. R. Schwartz
MEMBER	Mikki Patterson*
MEMBER	Dr. James Chambers
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MEMBER	Dr. Ronald Grossman
MEMBER	Dr. Sandra Mahkorn
MEMBER	Wanda Roever*

*Public Member

**Non-voting Member, Patient's Compensation Fund

Discipline

NORTON L. ZAREM, M.D.
MILWAUKEE WI REPRIMAND
Did not maintain appropriate psychiatric-patient boundaries. Effective 12/16/98. Sec. 448.02(3), Stats. Med 10.02(2)(h). Case #LS9812162MED

BRIAN J. EGGNER, M.D.
MANITOWOC WI REPRIMAND/COSTS
Convicted of one count of disorderly conduct on 5/9/95. Convicted of operating a motor vehicle while intoxicated on 8/26/95. Was found to be in possession of marijuana. Entered plea of no contest, participated in a program, and the criminal charge was dismissed. Effective 1/20/99. Med 10.02(2)(p). Case #LS9802041MED

LAURIE A. LOGAN, M.D.
SPARTA WI LIMITED
Dr. Logan's license is limited in that she will not practice obstetrics, including the interpretation of fetal monitor strips, and will not make recommendations for treatment or further diagnostic evaluation based on the results of fetal monitor strips. Effective 10/21/98. Sec. 448.02(3), Stats. Med 10.02(2)(h). Case #LS9810211MED

RONALD K. KOWLE, M.D.
MADISON WI REPRIMAND/\$750.00 COSTS
On 3/2/98 he was convicted in Wood County Circuit Court upon his plea of no contest to misdemeanor possession of a controlled substance, tetrahydrocannabinol. Effective 10/21/98. Med 10.02(2)(r). Case #LS9809281MED

EDWARD A. VIVIAN, M.D.
MASON CITY IA REPRIMAND
Administered an excessive dose of Brevibloc to a patient in preparation for electroconvulsive therapy. Effective 1/20/99. Sec. 448.02(3), Stats. Med 10.02(2)(h). Case #LS9901205MED

BRIAN L. VANHOOZEN, D.O.
NEW LONDON WI REPRIMAND/\$800.00 COSTS
Prescribed methadone, a schedule II narcotic controlled substance, to a pregnant patient to control withdrawal side-effects from the patient's hydrocodone addiction. He has never been registered as or with a Narcotic Treatment

Program and indicates he was unaware of the registration requirement. Effective 1/20/99. Med 10.02(2)(p)(z). Case #LS9901204MED

MARC LLOYD SMITH, D.O.
WAUWATOSA WI SUSPEND/LIMIT
Overprescribing of controlled substances. Failed to act promptly in a severe medical crisis and failed to state relevant medical history known to him at the time of a patient's admission to an emergency room. Suspend 30 days, which has been served. Limited. Costs of \$3,000. Effective 2/24/99. Sec. 448.02(3)(b), Stats. Med 10.02(2)(h)(p). Case #LS9807291MED

BERT DAVID COLLIER, JR., M.D.
WAUWATOSA WI SUSPEND 2/11/99-12/11/99
Made material false and fraudulent statements and representations in that he stated he had personally signed all medical reports bearing his name that purported to reflect his review and interpretation of nuclear medicine scans, when he did not. Limited after 12/11/99. Effective 2/24/99. Med 10.02(2)(r). Case #LS9902243MED

MARY K. ROGERS, R.R.T.
BELOIT WI SUSPEND/LIMIT/COSTS
On 9/2/98 convicted of obtaining a controlled substance, hydrocodone, by fraud. On 11/2/98 convicted of obtaining a controlled substance, oxycodone, by fraud. Suspend at least 5 years; stayed with limitations. Effective 2/24/99. Med 10.02(2)(p). Case #LS9902245MED

JAMES A. HALIKAS, M.D.
MINNEAPOLIS MN REPRIMAND/\$300 COSTS
The Minnesota board found he failed to assure safety and welfare of individuals participating in a drug research study, of which he was the principal investigator, including obtaining informed consent of individuals prior to participation. May not practice in Wisconsin until the limitations placed on his Minnesota license are removed. Effective 2/24/99. Sec. 448.02(3), Stats. Med 10.02(2)(q). Case #LS9902242MED

NICHOLAS F. GEIMER, M.D.
FOX POINT WI SUSPEND INDEFINITELY
Self-prescribing. Prescribed controlled substances on an ongoing or regular basis for his wife. Failed to make and keep inventories,

records of receipts, records of dispensing, distribution, sale and destruction of controlled substances. Reprimand. Suspend at least five years; suspension stayed until 2/24/99. Limited. Costs. Effective 1/29/99. Secs. 961.38(5), Stats. Med 10.02(2)(h), (p), (z), 17.05(1)(a), (b), (2). Case #LS99012918MED

NEVILLE W. DUNCAN, M.D.
NEW BERLIN WI

REPRIMAND/\$550 COSTS

On 1/14/99 convicted upon plea of no contest to misdemeanor possession of a controlled substance, cocaine, and to disorderly conduct. Effective 2/24/99. Med 10.02(2)(p)(r). Case #LS9902244MED

ILDEFONSO L. ASINAS, M.D.
MILWAUKEE WI

SURRENDER/LIMITED/COSTS

On 12/17/87 ordered not to prescribe controlled substances to his spouse. Divorced 3/7/89 and continued to inappropriately prescribe to her. Engaged in inappropriate prescribing of controlled substances. Limited effective 2/24/99. Surrender effective January 31, 2001. Sec. 450.11(1), Stats. Med 10.02(2)(b), (h), (p). Case #LS9902241MED

Administrative Warnings New Tool for MEB

Effective February 1, 1999 Chapter RL 8 of the Wisconsin Administrative Code, covering administrative warnings became a new tool for use by the department, any examining board (for purposes of this newsletter, the Medical Examining Board (MEB), affiliated credentialing board or board that has authority to reprimand a credential holder. RL 8 provides definitions and a procedure for implementation of the administrative warning statute, sec. 440.205, Stats. In appropriate cases, the department and any examining board, affiliated credentialing board or board that has authority to reprimand a credential holder may issue an administrative warning to close an investigation.

An administrative warning is just that—a warning—not an adjudication of guilt, not a discipline, and may not be used as evidence that the credential holder is guilty of misconduct. However, if an administrative warning is issued and the disciplinary authority receives a subsequent allegation of misconduct by the credential holder, the matter relating to the issuance of the administrative warning may be reopened.

There are four criteria for the issuance of an administrative warning:

- A. There is specific evidence of misconduct.
- B. The matter before the disciplinary authority is the first occurrence of misconduct.
- C. The misconduct is a minor violation.
- D. The administrative warning will adequately protect the public.

Section RL 8.01, Wisconsin Administrative Code includes definitions of “first occurrence,” “minor violation,” and “misconduct.”

After an administrative warning is issued, a credential holder is permitted 20 days to file a request for review by a personal appearance before the disciplinary authority. An appearance before a disciplinary authority or its designee is generally limited to 20 minutes.

Within the Department, the Division of Enforcement will handle administrative warnings like other closeout letters. The Division will close the case using as a reason for closing: “Closed by administrative warning” and will enter the data in the complaint tracking system.

The Office of Legal Services will mail administrative warnings by certified mail to the credential holder with a notice of review rights. All documentation, including anything the bureau offices may have relating to an administrative warning, will be filed in a Division of Enforcement file marked “CONFIDENTIAL.”

The fact that an administrative warning has been issued is public. The contents of the administrative warnings are private and confidential. Since an administrative warning is not a discipline, an inquiry requesting whether a credential holder has been disciplined, should be answered “no” if the records show an administrative warning. If asked about an administrative warning, the response should be that an administrative warning was issued; however, the contents of the warning are confidential and may not be disclosed.

Department of Regulation and Licensing
Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

REGULATORY DIGEST

Bulk Rate
U.S. Postage
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Madison, WI
Permit No. 1369

RETURN SERVICE REQUESTED

Telephones

Automated Phone System for the Health Professions: (608) 266-2811

Press 1 **Request Application**

Press 2 **Status of a Pending Application**

Press 3 **Complaint Filing Information**

Press 4 **Verifying Current Status of a Credential Holder**

Press 5 **Name or Address Change**

Need a Duplicate License

Request a Letter of Good Standing

Press 6 **Repeat Menu Choices**

FAX: 608-261-7083

Verifications

All requests for verification of license status must be in writing. There is no charge for this service.

Endorsements

Requests for endorsements to other states must be in writing. The cost is \$10. Please make check or money order payable to the Department of Regulation and Licensing.

1999 Meeting Dates

May 18-19, June 22-23, July 21-22, August 24-25, September 22-23, October 19-20, November 16-17, December 14-15.

Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>

Send comments to dorl@mail.state.wi.us

Digests on Web Site

September, 97; June, 98; December, 98

Wisconsin Statutes and Code

Copies of the Medical Statutes and Administrative Code can be ordered through the Board Office.

Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated November, 1998.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes are not automatically provided.

WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

Subscription Service

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