

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

**FINAL DECISION AND ORDER**

BRIAN L. VAN HOOZEN, D.O.,  
RESPONDENT.

98 MED 258  
LS9901204 MED  
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The parties to this action for the purposes of § 227.53, Wis. Stats., are:

Dr. Brian L. Van Hoozen, DO  
525 High St., Ste 2  
New London, WI 54961

Wisconsin Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the 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

1. Respondent Brian L. Van Hoozen (dob 8/8/1959) is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license # 32699, first granted on 9/25/1991. Respondent is a family practitioner and practices obstetrics.
2. On 8/21/1998, respondent prescribed methadone, a Schedule II narcotic controlled substance, to patient S.M., a 21 year old pregnant female, who had been admitted to the hospital because of low amniotic fluid levels. Respondent prescribed methadone to control the withdrawal side-effects from the patient's hydrocodone addiction. Patient S.M. was discharged from the hospital on 8/22/1998.
3. Respondent referred patient S.M. to inpatient treatment for her addiction, but she refused. Respondent then continued prescribing methadone for maintenance treatment of an addiction once patient S.M. had delivered her child and had been discharged from the hospital. Respondent wrote three additional prescription orders for treatment of patient S.M.'s addiction, on 9/8/1998, 9/8/1998, and 9/16/1998.
4. Respondent is not, and has never been, registered as or with a Narcotic Treatment Program. Respondent has stated that he was unaware of the registration requirement.
5. Respondent took and satisfactorily passed the 40 hour *Intensive Course in Controlled Substance Management* at Case Western Reserve University School of Medicine, Cleveland, in December, 1998.

CONCLUSIONS OF LAW

- A. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to §448.02(3), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.
- B. The conduct described in paragraphs 3 and 4, above, violated § Med 10.02(2)(p) and (z), Wis. Adm. Code, in that such prescribing was contrary to 21 CFR §1306.04(c). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Brian L. Van Hoozen, DO, is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent shall pay the costs of investigating and prosecuting this matter in the amount of \$800, within 30 days of this order.

IT IS FURTHER ORDERED, that pursuant to §448.02(4), Wis. Stats., if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license and registration of respondent be summarily suspended pending investigation of the alleged violation.

Dated this January 20, 1999.

WISCONSIN MEDICAL EXAMINING BOARD, by:

by: s/Ronald Grossman MD, a member of the Board

