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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

FINAL DECISION AND ORDER

NEAL J. SCHROETER, M.D.
RESPONDENT

LS # 0508291 MED

DIVISION OF ENFORCEMENT CASE NO. 04 MED 241

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

Neal J. Schroeter, M.D.
615 N. Lowell Street
Ironwood MI 49938

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 the final decision of this matter, subject to the approval of the Medical Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Neal J. Schroeter, M.D., (“Respondent”) was born on March 4, 1957, and is licensed to practice medicine and surgery in the state of Wisconsin pursuant to license number 25422, first granted on July 1, 1983. His address of record with the Medical Examining Board is 615 N. Lowell Street, Ironwood, Michigan 49938.

2. On Saturday, August 4, 2001, Respondent was treating physician at Grandview Hospital in Ironwood, Michigan for Patient AR, a male born March 3, 1942.

3. Patient AR presented to the emergency department with complaints of sudden severe back pain, when bending over to pick up an empty garbage bag.

4. Respondent examined Patient AR and assessed the situation as acute low back pain, and planned to keep Patient AR in the hospital for a few hours or overnight for pain management.
5. Respondent deferred radiographs or magnetic resonance imaging, in the belief that neither would be beneficial on August 4, 2001, but might be necessary in subsequent days if AR did not improve.
6. At 12:30 p.m. August 4, 2001, Respondent ordered morphine sulfate, 30 mg. orally every 2 hours as needed, and diazepam, 10 mg. orally three times daily.
7. At 1:35 p.m. August 4, 2001, nursing staff administered 30 mg. of morphine sulfate to AR.
8. At 3:45 p.m., nursing staff administered 30 mg. of morphine sulfate to AR, and at 6:15 p.m., nursing staff reported that AR had had little relief after that medication.
9. At 6:30 p.m., nursing staff administered 30 mg. of morphine sulfate to AR.
10. At 9:10 p.m. August 4, 2001, Respondent ordered one, two, or three tablets of morphine sulfate, 30 mg. every 2 hours as needed.
11. At 10:00 p.m., nursing staff administered a further 60 mg. of morphine sulfate, orally, to AR.
12. At 10:30 p.m. August 4, 2001, nursing staff reported that AR had had little relief from either the 6:30 p.m. or 10:00 p.m. doses of morphine.
13. At 12:30 a.m. on August 5, 2001, nursing staff administered 90 mg. of morphine sulfate, orally, to AR.
14. At 9:15 a.m. August 5, 2001, nursing staff administered 90 mg. of morphine sulfate, orally, to AR, and reported that he had been up at his bedside and tolerated the activity well.
15. Nursing staff reported at 11:15 a.m. August 5, 2001, that AR had walked in the hallway and sat in a chair, and tolerated the activity well.
16. At 1:45 p.m. on August 5, 2001, nursing staff administered 60 mg. of morphine sulfate, orally, to AR.
17. AR was discharged from the hospital at 2:00 p.m. on August 5, 2001, and nursing staff reported that he “verbalized understanding” of his discharge instructions and walked slowly to a wheel chair to leave the hospital.
18. At 1:30 p.m. August 5, 2001, in planning for AR’s discharge from the hospital, Respondent prescribed one, two, or three tablets of morphine sulfate, 30 mg. every 2 hours as needed and ordered that AR be supplied with 10 tablets to cover until a prescription could be filled when the community pharmacy opened Monday, August 6, 2001.
19. At the same time, Respondent prescribed one tablet of Valium, 10 mg. three times daily, and ordered that AR be supplied with 5 tablets to cover until a prescription could be filled when the community pharmacy opened Monday, August 6, 2001.
20. Grandview Hospital was unable to supply morphine sulfate, 30 mg. tablets to AR, and Respondent’s partner, Dr. Jeffrey Miller, changed the discharge medication to MS Contin, 30 mg. tablets, three tablets twice a day, and ordered that AR be supplied with enough for two doses. Respondent did not know of the substitution of the MS Contin for the morphine sulfate he prescribed.
21. At approximately 7:00 p.m. on August 5, 2001, AR’s wife gave him 60 mg. of MS Contin for his complaint of pain.
22. At approximately 6:00 a.m. on August 6, 2001, AR’s wife gave him 30 mg. of MS Contin, for his complaint

of pain.

23. At about 8:30 a.m. on Monday, August 6, the patient's wife telephoned Respondent and reported that Patient AR was difficult to rouse. Respondent instructed the patient's wife not to give any more medications to Patient AR, and to call if Patient AR's condition did not improve.

24. The patient's wife left AR in the care of their teenage children and went out. When she returned approximately one hour later, she found Patient AR unconscious. She called an ambulance, and Patient AR was taken to the hospital, pulseless and not breathing.

25. Patient AR died.

26. On autopsy, Patient AR was determined to have suffered massive aspiration pneumonia, leading to asphyxiation. Toxicology results showed a toxic level of morphine in Patient AR's blood at the time of death.

27. Nausea and vomiting are recognized side effects of morphine.

28. Patients who are experiencing difficulty maintaining consciousness are at increased risk of aspirating vomitus.

29. The minimally competent physician recognizes that aspiration of vomitus and death are significant risks for patients who are not able to maintain consciousness.

30. In March 2006, Respondent completed continuing medical education offered by the University of California San Francisco in pain management. In addition, Respondent followed a pain management specialist at the University of Wisconsin Medical School for the day on December 18, 2001.

CONCLUSIONS OF LAW

1. 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 and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent's failure to have Patient AR transported to the hospital for treatment of possible morphine overdose, or to impress upon the patient's wife the necessity of close observation of the patient, was conduct that created an unacceptable risk of injury or death for Patient AR, and was unprofessional conduct under Wis. Admin. Code s. MED 10.02(2)(h).

ORDER

1. Now, therefore, it is ordered that Respondent Neal J. Schroeter, M.D., is REPRIMANDED.

2. It is further ordered that the Board accepts the continuing medical education and observation of clinical practice of pain management as the substantial equivalent of the education the Board would otherwise have ordered Respondent to complete.

3. It is further ordered that Respondent Neal J. Schroeder shall pay the costs of this proceeding in the amount of \$2,800.00 (Two thousand eight hundred dollars) to the Department of Regulation and Licensing within 90 days of this Order. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

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

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered the Respondent's license(#25422) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Medical Examining Board

By: Bhupinder Saini, MD
A Member of the Board

4/19/06
Date