

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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  
RODRIGO A. CASTILLO, M.D., :  
RESPONDENT. : ORDER 0002059

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Division of Enforcement Case No. 11 MED 245

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

Rodrigo A. Castillo, M.D.  
Mercy Clinic East  
1000 Mineral Point Avenue  
Janesville, WI 53548

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

Division of Enforcement  
Department of Safety and Professional Services  
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 disposition of this matter, subject to the approval of the Wisconsin 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 Rodrigo A. Castillo, M.D. (dob February 14, 1964) is licensed in the State of Wisconsin to practice medicine and surgery, having license number 20-43192, first issued on April 18, 2001 with registration current through October 31, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Mercy Clinic East, 1000 Mineral Point Avenue, Janesville, Wisconsin, 53548.

2. At the time of the events set forth below, Respondent's practice specialty was internal medicine and gastroenterology.

3. At the time of the events set forth below, Respondent was employed as a physician at Mercy Health Care System in Janesville, Wisconsin.

4. On November 28, 2001, Patient A first presented to Respondent for evaluation of mid epigastric pain, frequent nausea and rectal bleeding of approximately two weeks. Various tests were ordered to rule out primary biliary cirrhosis (PBC), Wilson's disease, and hemochromatosis. Additional tests were performed to determine if a liver biopsy would be necessary.

5. At the time of the November 28, 2001 visit, Patient A was taking Vicoprofen for her pain. Patient A did not advise Respondent of a history of alcohol and drug dependence and addiction.

6. Vicoprofen contains hydrocodone bitartrate, an opioid analgesic agent, used for relief of moderate to moderately severe pain and is a Schedule II Controlled Substance pursuant to Wis. Stat. § 961.16(2)(a)7, with physical and/or psychological dependency potential.

7. From February 2002 to May 2002, tests ordered by Respondent for Patient A revealed she had strictures of her pancreatic and biliary ducts, likely due to pancreatitis. The strictures were initially treated with stenting and balloon dilation, but Patient A continued to have chronic recurrent abdominal pain due to this condition. During this time period, Respondent continued to prescribe Vicoprofen for the patient's pain.

8. On May 28, 2002, Patient A underwent a surgical bypass procedure of her duct strictures which was performed by another surgeon.

9. On May 31, 2002, Patient underwent an endoscopic retrograde cholangiopancreatography (ERCP) procedure performed by Respondent.

10. On June 19, 2002, Respondent performed an esophagogastroduodenoscopy with pancreatic duct stent removal. Respondent prescribed Vicoprofen for related pain.

11. On July 29, 2002, Patient A advised Respondent that she had continued abdominal pain although she was still taking Vicoprofen. At this time, Patient A and Respondent discussed using fentanyl patches for control of the patient's pain. Respondent informed Patient A that if she did not experience adverse side effects and her pain continued to be well-controlled, the patches could appropriately serve as long term pain control. Respondent prescribed Duragesic patches to Patient A and discontinued Vicoprofen.

12. A Duragesic patch is a transdermal system which contains fentanyl, a potent opioid analgesic used for relief of moderate to severe chronic pain, and a Schedule II Controlled Substance pursuant to Wis. Stat. § 961.16(3)(f), with physical and/or psychological dependency potential.

13. From July 29, 2002 through approximately October 10, 2006, Respondent continued to prescribe Duragesic patches, 50 mcg, # 10, for Patient A on an approximately

regular basis with the following instructions: one patch to be applied every 48 hours with removal of the old patch.

14. From approximately July 29, 2002 through October 10, 2006, Respondent prescribed the Duragesic patches for Patient A in response to telephoned requests and did not see the patient for monitoring or reevaluation.

15. On several occasions between July 29, 2002 and October 10, 2006, Respondent requested that Patient A come in to see him, however Patient A stated that she could not miss work. Respondent accommodated Patient A and continued to prescribe based on the telephone requests.

16. Between September 21, 2005 and April 18, 2006, Patient A had three office visits with her primary care physician who recorded the patient was free from pain but now "addicted" to the Duragesic patch. He recommended the patient seek assistance from a pain management specialist to wean the patient off Duragesic. There is no indication that the primary care physician contacted Respondent with his concerns.

17. On April 18, 2006, Patient A's primary care physician referred her to a pain management specialist.

18. On May 19, 2006, Patient A presented to the pain management specialist for consultation. The consultant found Patient A to be physically addicted to the Duragesic patches and recommended various treatment options. The pain management specialist copied Respondent with his consultation report.

19. On July 11, 2006, at the request of Patient A, Respondent wrote a letter to Midwest Rapid Opiate Detox Specialists, LLC asking that Patient A be allowed to participate in the facility's opioid detoxification program.

20. Patient A did not attend the program at Midwest Rapid Opiate Detox Specialists, LLC but did enter and successfully complete a detoxification program at Meriter/Newstart in October 2006.

21. Following this occurrence, and prior to receipt of this complaint by the Department, Respondent voluntarily ceased providing treatment to chronic pain patients and referred chronic pain patients to other practitioners. Respondent does not intend to treat chronic pain patients in the future.

22. Respondent has completed 22 hours of education, including a testing component, in pain management offered through the Audio-Digest Foundation.

23. Respondent's conduct as herein described with regard to Patient A fell below the minimum standards of competence established in the profession in the following respects:

A. Respondent prescribed Duragesic patches for Patient A for approximately four (4) years without seeing the patient for evaluation of her medical condition and her continuing need for the medication.

25. Respondent's conduct as set forth above created the following unacceptable risks to the patient:

A. By failing to evaluate the patient's medical condition and continuing need for the Duragesic patches, Respondent created the risk that the patient would develop a physical and/or psychological dependency.

B. By failing to appropriate monitor and evaluate the patient's medical condition and continuing need to the Duragesic patches, Respondent created the risk that any dependency that developed would not be diagnosed and treated in a timely manner.

26. Respondent's conduct as set forth above tended to constitute a danger to the health, welfare and safety of Patient A.

#### 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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Rodrigo A. Castillo, M.D. violated Wis. Admin. Code § MED 10.02 (2) (h).

3. As a result of the above violations, Rodrigo A. Castillo, M.D. is subject to discipline pursuant to Wis. Stat. § Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Rodrigo A. Castillo, M.D. is REPRIMANDED.

3. The Board recognizes the twenty two (22) hours of education completed by Respondent and attached as Exhibit A, as an equivalent of the education the Board would have otherwise ordered and determines no further discipline is necessary.

4. Within 90 days from the date of this Order, Rodrigo A. Castillo, M.D. shall pay COSTS in this matter in the amount of \$1410.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

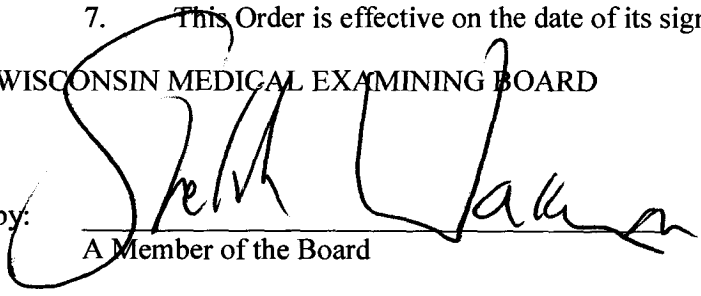
Department Monitor  
Division of Enforcement  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

6. 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 timely submit payment of costs as ordered, Respondent's license (no. 20-43192) may, in the discretion of the Board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:

  
A Member of the Board

9/19/12  
Date