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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST GREGG R. ERICKSON, M.D., RESPONDENT.	FINAL DECISION AND ORDER

The parties to this action for the purposes of Wis. Stats. sec. 227.16 are:

Gregg R. Erickson, M.D.
Milwaukee Psychiatric Hospital
McBride Center
1220 Dewey Avenue
Wauwatosa, WI 53213

Wisconsin Medical Examining Board
P.O. Box 8936
Madison, Wisconsin 53708-8936

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8936
Madison, Wisconsin 53708-8936

A party aggrieved by this decision may petition the Board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The petition in this instance would be captioned with Gregg R. Erickson, M.D. as the respondent.

A party aggrieved by this decision who is a resident of this state may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the party aggrieved resides within thirty (30) days after service of this decision. A party aggrieved by this decision who is not a resident of this state must file the petition for judicial review in the office of the clerk of circuit court for Dane County. A party aggrieved must also serve the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as respondent in the petition is the Wisconsin Medical Examining Board.

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 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

COUNT I

1. That GREGG R. ERICKSON, M.D., Respondent herein, is a physician licensed to practice medicine and surgery in the State of Wisconsin; that his limited license which bears #24852 was first granted on July 31, 1982. That his current place of residence is 505 Violet Avenue, Palmyra, Wisconsin 53156.

2. That because Respondent had been convicted of a drug related criminal offense in Nebraska on March 11, 1982 relating to his illegally obtaining drugs from the hospital where he was working on December 26, 1981, and because Respondent was treated for chemical dependency as an inpatient at a facility in Sioux City, Iowa from December 30, 1981 to January 29, 1982, Respondent's original license to practice medicine and surgery in the State of Wisconsin was a limited license granted pursuant to an Order dated July 31, 1982. The terms and conditions of that license were as follows:

(a) The term of this limited license shall be for two (2) years from the date hereof.

(b) During the term of the limitation, Applicant shall be permitted to practice medicine and surgery only within the Pediatric Program at Medical College of Wisconsin, Affiliated Hospitals, Inc., under the direction of Pediatric Program Director Michael Joseph Chusid, M.D.

(c) Michael Joseph Chusid, M.D., shall file a formal written report on Applicant's activities and progress in the Pediatric Program with the Board every 90 days commencing on the date hereof.

(d) During the term of the limitation, Applicant shall participate in the DePaul Rehabilitation Hospital Impaired Physician's Program under the supervision of Roland E. Herrington, M.D., Director of the Program.

(e) Roland E. Herrington, M.D., shall file a formal written report on Applicant's activities and progress in the DePaul Rehabilitation Hospital Impaired Physician's Program, including the results of random urine drug screens, with the Board every 90 days commencing on the date hereof.

(f) Applicant shall provide current releases to DePaul Rehabilitation Hospital authorizing release of all of his medical and treatment records to the Board. Copies of said releases shall be filed simultaneously with the Board.

(g) Chris Frelka, Applicant's probation officer, shall file with the Board a formal written report on Applicant's activities as they relate to the terms and conditions of his probation every 90 days commencing on the date hereof.

(h) Applicant shall immediately surrender his current D.E.A. registration for controlled substances as defined in Wis. Stats. sec. 161.04(4) and shall not make application for or hold a D.E.A. registration for controlled substances during the period of this limited license.

(i) Applicant shall abstain from any and all use of controlled subtances as defined by Wis. Stats. sec. 161.01(4) unless prescribed for a valid medical purpose.

(j) Applicant shall abstain from any and all personal use of alcohol.

(k) Applicant shall appear before the Board for the purpose of oral interview at the Board's regular meetings taking place in January, 1983; July, 1983; and July, 1984.

3. That pursuant to the request of Respondent the Medical Examining Board amended Respondent's limited license pursuant to an Order dated August 15, 1983. That the amendments of the terms and conditions were as follows:

IT IS HEREBY ORDERED that effective August 15, 1983 the limited license of Gregg Richard Erickson, M.D. to practice medicine and surgery in the State of Wisconsin be amended so as to include within his scope of practice the practice of medicine and surgery in the pediatric neurology training program at Medical College of Wisconsin, Milwaukee, Wisconsin, under the direct supervision and control of H. M. Swick, M.D., Associate Professor of Neurology and Pediatrics.

IT IS FURTHER ORDERED that Dr. H. M. Swick or Dr. Michael McQuillen, Chairman of the Department of Neurology, Medical College of Wisconsin, shall file with the board a formal written report of Dr. Erickson's activities and progress in the pediatric neurology training program every 90 days commencing August 15, 1983.

4. That on August 9, 1984 Respondent appeared before the Medical Examining Board and requested that the Board terminate certain of the limitations on his license. Based upon that request, the Medical Examining Board further amended Respondent's limited license pursuant to an Order dated August 17, 1984. The terms and conditions of that license were as follows:

(a) The term of this limited license shall be for one (1) year from the date hereof.

(b) Dr. H. M. Swick or Dr. Michael McQuillen, Chairman of the Department of Neurology, Medical College of Wisconsin, shall file with the Board a formal written report of Dr. Erickson's activities and progress in the pediatric neurology training program every 6 months commencing on the date hereof.

(c) Applicant may practice medicine and surgery at any facility in Wisconsin if approved by the program director.

(d) During the term of the limitation, Applicant shall participate in the DePaul Rehabilitation Hospital Impaired Physician's Program under the supervision of Roland E. Herrington, M.D., Director of the Program.

(e) Roland E. Herrington, M.D., shall file a formal written report on Applicant's activities and progress in the DePaul Rehabilitation Hospital Impaired Physician's Program, including the results of weekly random urine drug screens, with the Board every 6 months commencing on the date hereof.

(f) Applicant shall provide current releases to DePaul Rehabilitation Hospital authorizing release of all of his medical and treatment records to the Board. Copies of said releases shall be filed simultaneously with the Board.

(g) Applicant may apply for and hold a D.E.A. registration for controlled substances as defined in Wis. Stats. sec. 161.04(4) during the term of this limited license.

(h) Applicant shall continue his involvement with the AA program.

(i) Applicant shall abstain from any and all use of controlled subtances as defined by Wis. Stats. sec. 161.01(4) unless prescribed for a valid medical purpose.

(j) Applicant shall abstain from any and all personal use of alcohol.

(k) Applicant shall appear before the Board for the purpose of oral interview at the Board's regular meeting taking place in August, 1985.

5. That the original Order issuing Respondent a limited license and the Order of August 17, 1984 amending Respondent's limited license required weekly random urine drug screens by Respondent.

6. Respondent did not have weekly random urine drug screens done from July 1, 1984 to at least November 29, 1984.

COUNT II

7. That on August 11, 1984, two days after Respondent appeared before the Wisconsin Medical Examining Board requesting that certain limitations be removed from his license to practice medicine and surgery,

Respondent completed a prescription form indicating his wife Cynthia Erickson as the patient, and that she should be dispensed 12 Tylox, a brand of oxycodone and a Schedule II controlled substance as defined by sec. 161.16(2)(a), Wis. Stats., and forged the signature of E. H. Kovnar, M.D. as the prescribing physician.

8. That on August 11, 1984 Respondent presented the prescription, referred to in paragraph 7, at McCullaugh's Pharmacy in Whitewater, Wisconsin and requested that the Tylox be dispensed to him. That following receipt of the Tylox, Respondent consumed the drugs for non-medical purposes.

COUNT III

9. That on November 2, 1984 Respondent filled out a prescription form indicating himself as the patient and that he should receive 24 Tylox, a brand of oxycodone and a Schedule II controlled substance as defined by sec. 161.16(2)(a), Wis. Stats., and forged the signature of E. H. Kovnar, M.D. as the prescribing physician.

10. That on November 4, 1984 Respondent presented the prescription, referred to in paragraph 9, at the Elmbrook Pharmacy in Brookfield, Wisconsin and requested that the Tylox be dispensed to him. That following receipt of the Tylox, Respondent consumed the drugs for non-medical purposes.

COUNT IV

11. That Paragraph (i) of Respondent's limited license dated August 17, 1984 requires that Respondent abstain from any and all use of controlled substances unless prescribed for a valid medical purpose.

COUNT V

12. That on November 9, 1984 Respondent completed a prescription form indicating his wife Cynthia Erickson as the patient and that she should receive 24 units of 4 mg. Dilaudid, a brand of hydromorphone hydrochloride and a Schedule II controlled substance as defined by sec. 161.16(2)(a), Wis. Stats., and forged the signature of L. Pearson, M.D. as the prescribing physician.

13. That on November 9, 1984 Respondent presented the prescription, referred to in paragraph 12, at the Good Value Pharmacy located in Wauwatosa, Wisconsin, and requested that the drugs be dispensed to him. Following receipt of the Dilaudid, Respondent consumed the drugs for non-medical purposes.

COUNT VI

14. That Paragraph (i) of Respondent's limited license dated August 17, 1984 requires that Respondent abstain from any and all use of controlled substances unless prescribed for a valid medical purpose.

COUNT VII

15. That on November 12, 1984 Respondent completed a prescription form indicating himself as the patient and that he should receive 30 units of 4 mg. Dilaudid, a brand of hydromorphone hydrochloride and a Schedule II controlled substance as defined by sec. 161.16(2)(a), Wis. Stats., and forged the signature of L. Pearson, M.D. as the prescribing physician.

16. That on November 13, 1984 Respondent presented the prescription, referred to in paragraph 15, at the Palmyra Pharmacy in Palmyra, Wisconsin and requested that the drugs be dispensed to him. That following receipt of the Dilaudid, Respondent consumed the drugs for non-medical purposes.

COUNT VIII

17. That Paragraph (i) of Respondent's limited license dated August 17, 1984 requires that Respondent abstain from any and all use of controlled substances unless prescribed for a valid medical purpose.

COUNT IX

18. That on November 16, 1984 Respondent completed a prescription form indicating his wife Cynthia Erickson as the patient, and that she should receive 30 units of 4 mg. Dilaudid, a brand of hydromorphone hydrochloride and a Schedule II controlled substance as defined by sec. 161.16(2)(a), Wis. Stats., and forged the signature of L. Pearson, M.D. as the prescribing physician.

19. That on November 16, 1984 Respondent presented the prescription, referred to in paragraph 18 above, at the Good Value Pharmacy in Wauwatosa, Wisconsin and requested that the drugs be dispensed to him. Following receipt of the Dilaudid, Respondent consumed the drugs for non-medical purposes.

COUNT X

20. That Paragraph (i) of Respondent's limited license dated August 17, 1984 requires that Respondent abstain from any and all use of controlled substances unless prescribed for a valid medical purpose.

COUNT XI

21. That on November 19, 1984 Respondent completed a prescription form indicating himself as the patient and that he should receive 30 units of 4 mg. Dilaudid, a brand of hydromorphone hydrochloride and a Schedule II controlled substance as defined by sec. 161.16(2)(a), Wis. Stats., and forged the signature of L. Pearson, M.D. as the prescribing physician.

22. That on November 20, 1984 Respondent presented the prescription, referred to in paragraph 21 above, at the Palmyra Pharmacy in Palmyra, Wisconsin and requested that the drugs be dispensed to him. Following receipt of the Dilaudid, Respondent consumed the drugs for non-medical purposes.

COUNT XII

23. That Paragraph (i) of Respondent's limited license dated August 17, 1984 requires that Respondent abstain from any and all use of controlled substances unless prescribed for a valid medical purpose.

COUNT XIII

24. That on November 23, 1984 Respondent completed a prescription form indicating his wife Cynthia Erickson as the patient and that she should receive 30 units of 4 mg. Dilaudid, a brand of hydromorphone hydrochloride and a Schedule II controlled substance as defined by sec. 161.16(2)(a), Wis. Stats., and forged the signature of L. Pearson, M.D. as the prescribing physician.

25. That on November 23, 1984 Respondent presented the prescription, referred to in paragraph 24 above, at the The Pharmacy in Fort Atkinson, Wisconsin and requested that the drugs be dispensed to him. That following receipt of the Dilaudid, Respondent consumed the drugs for non-medical purposes.

COUNT XIV

26. That Paragraph (i) of Respondent's limited license dated August 17, 1984 requires that Respondent abstain from any and all use of controlled substances unless prescribed for a valid medical purpose.

COUNT XV

27. That on November 23, 1984 Respondent completed a prescription form indicating his wife Cynthia Erickson as the patient and that she should receive 30 units of 4 mg. Dilaudid, a brand of hydromorphone hydrochloride and a Schedule II controlled substance as defined by sec. 161.16(2)(a), Wis. Stats., and forged the signature of L. Pearson, M.D. as the prescribing physician.

28. That on November 23, 1984 Respondent presented the prescription, referred to in paragraph 27 above, at the Good Value Pharmacy in Wauwatosa, Wisconsin and requested that the drugs be dispensed to him. That following receipt of the Dilaudid, Respondent consumed the drugs for non-medical purposes.

COUNT XVI

29. That Paragraph (i) of Respondent's limited license dated August 17, 1984 requires that Respondent abstain from any and all use of controlled substances unless prescribed for a valid medical purpose.

COUNT XVII

30. That on November 27, 1984 Respondent completed a prescription form indicating Tyler Strand as the patient and that he should receive 30

units of 4 mg. Dilaudid, a brand of hydromorphone hydrochloride and a Schedule II controlled substance, as defined by sec. 161.16(2)(a), Wis. Stats., and signed his own name as the prescribing physician.

31. That on November 27, 1984 Respondent presented the prescription, referred to in paragraph 30 above, at the Miller Pharmacy in Mukwonago, Wisconsin, and requested that the drugs be dispensed to him. That following receipt of the Dilaudid, Respondent consumed the drugs for non-medical purposes.

COUNT XVIII

32. That Paragraph (i) of Respondent's limited license dated August 17, 1984 requires that Respondent abstain from any and all use of controlled substances unless prescribed for a valid medical purpose.

COUNT XIX

33. That on November 27, 1984 Respondent completed a prescription form indicating Tyler Strand as the patient and that he should receive 30 units of 4 mg. Dilaudid, a brand of hydromorphone hydrochloride and a Schedule II controlled substance, as defined by sec. 161.16(2)(a), Wis. Stats., and signed his own name as the prescribing physician.

34. That on November 27, 1984 Respondent presented the prescription, referred to in paragraph 33 above, at the Sentry Drugs in Mukwonago, Wisconsin, and requested that the drugs be dispensed to him. That following receipt of the Dilaudid, Respondent consumed the drugs for non-medical purposes.

COUNT XX

35. That Paragraph (i) of Respondent's limited license dated August 17, 1984 requires that Respondent abstain from any and all use of controlled substances unless prescribed for a valid medical purpose.

CONCLUSIONS OF LAW

1. That the Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to sec. 448.02(3), Wis. Stats., and authority to enter into the attached stipulation pursuant to sec. 227.07(5) and 448.02(5), Wis. Stats.

2. That Respondent, by not having weekly random urine drug screens performed, has violated terms, provisions and conditions of a valid order of the Board, which constitutes unprofessional conduct within the meaning of sec. 448.02(3), Wis. Stats. and Wis. Adm. Code sec. Med 10.02(2)(b), as alleged in Count I of the Complaint.

3. That Respondent's acts, as set out in Count II of this Complaint, are the obtaining of controlled substances otherwise than in the course of legitimate professional practice and as otherwise prohibited by law and constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(p).

4. That Respondent's acts, as set out in Count III of this Complaint, are the prescribing and obtaining of controlled substances otherwise than in the course of legitimate professional practice and as otherwise prohibited by law and constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(p).

5. That Respondent's acts, as set out in Count IV of this Complaint, are the violation of a term, provision, or condition of a valid order of the Board, and as such constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(b).

6. That Respondent's acts, as set out in Count V of this Complaint, are the prescribing and obtaining of controlled substances otherwise than in the course of legitimate professional practice and as otherwise prohibited by law, and constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(p).

7. That Respondent's acts, as set out in Count VI of this Complaint, are the violation of a term, provision, or condition of a valid order of the Board, and as such constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(b).

8. That Respondent's acts, as set out in Count VII of this Complaint, are the prescribing and obtaining of controlled substances otherwise than in the course of legitimate professional practice and as otherwise prohibited by law, and constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(p).

9. That Respondent's acts, as set out in Count VIII of this Complaint, are the violation of a term, provision, or condition of a valid order of the Board, and as such constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(b).

10. That Respondent's acts, as set out in Count IX of this Complaint, are the prescribing and obtaining of controlled substances otherwise than in the course of legitimate professional practice and as otherwise prohibited by law, and constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(p).

11. That Respondent's acts, as set out in Count X of this Complaint, are the violation of a term, provision, or condition of a valid order of the Board, and as such constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(b).

12. That Respondent's acts, as set out in Count XI of this Complaint, are the prescribing and obtaining of controlled substances otherwise than in the course of legitimate professional practice and as otherwise prohibited by law, and constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(p).

13. That Respondent's acts, as set out in Count XII of this Complaint, are the violation of a term, provision, or condition of a valid order of the Board, and as such constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(b).

14. That Respondent's acts, as set out in Count XIII of this Complaint, are the prescribing and obtaining of controlled substances otherwise than in the course of legitimate professional practice and as otherwise prohibited by law, and constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(p).

15. That Respondent's acts, as set out in Count XIV of this Complaint, are the violation of a term, provision, or condition of a valid order of the Board, and as such constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(b).

16. That Respondent's acts, as set out in Count XV of this Complaint, are the prescribing and obtaining of controlled substances otherwise than in the course of legitimate professional practice and as otherwise prohibited by law, and constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(p).

17. That Respondent's acts, as set out in Count XVI of this Complaint, are the violation of a term, provision, or condition of a valid order of the Board, and as such constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(b).

18. That Respondent's acts, as set out in Count XVII of this Complaint, are the prescribing and obtaining of controlled substances otherwise than in the course of legitimate professional practice and as otherwise prohibited by law, and constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(p).

19. That Respondent's acts, as set out in Count XVIII of this Complaint, are the violation of a term, provision, or condition of a valid order of the Board and as such constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(b).

20. That Respondent's acts, as set out in Count XIX of this Complaint, are the prescribing and obtaining of controlled substances otherwise than in the course of legitimate professional practice and as otherwise prohibited by law, and constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(p).

21. That Respondent's acts, as set out in Count XX of this Complaint, are the violation of a term, provision, or condition of a valid order of

the Board, and as such constitutes unprofessional conduct within the meaning of sec. 448.02(3) Wis. Stats., and Wis. Adm. Code sec. Med 10.02(2)(b).

ORDER

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

IT IS FURTHER ORDERED that the voluntary surrender of the license to practice medicine and surgery in the State of Wisconsin, by Gregg R. Erickson, M.D., Respondent, is hereby accepted.

IT IS FURTHER ORDERED that in the event that Respondent ever again applies for a license to practice medicine and surgery in the State of Wisconsin that the Medical Examining Board may consider the Findings of Fact and Conclusions of Law set out in this decision in determining whether to grant Respondent a license to practice medicine in Wisconsin and whether to place limitations and conditions upon any license to practice medicine in Wisconsin, which may be given Respondent.

Dated at Madison, Wisconsin this 6th day of March, 1985.

Gwen Jackson, Secretary
Wisconsin Medical Examining Board

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