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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION
RICHARD C. ANDRINGA, M.D.,	:	AND ORDER
RESPONDENT.	:	

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

Richard C. Andringa, M.D.
6511 Offshore Drive
Madison, WI 53705

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 Richard C. Andringa, 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 III

1. That RICHARD C. ANDRINGA, M.D., Respondent herein, is a physician licensed to practice medicine and surgery in the State of Wisconsin pursuant to a Limited License; that his license bears number 25517; that he currently resides at 6511 Offshore Drive, Madison, Wisconsin 53705.

2. That Respondent originally applied for a license to practice medicine and surgery in the State of Wisconsin pursuant to an application dated June 10, 1983. On that application Respondent answered "Yes" to the question "Have you ever received inpatient or outpatient care for mental illness or drug or alcohol abuse?" Further inquiry determined that Respondent had suffered from an opiate dependency from June, 1982 to January, 1983, while practicing medicine in the State of North Carolina.

3. As a result of the circumstances set out in Finding of Fact 2, Respondent and the Wisconsin Medical Examining Board entered into a stipulation, which resulted in the issuance of an Order dated September 16, 1983, which granted Respondent a Limited License to practice medicine and surgery in Wisconsin. That at the request of Respondent and a hospital where he was practicing the Order was amended on September 28, 1983 and again on November 29, 1983. That both amended orders modified the language of paragraph 1(g) and the second amendment eliminated paragraph 3.

4. That paragraph 1(d) of Respondent's Limited License requires:

"Roland E. Herrington, M.D. shall file a formal written report on applicant's activities and progress in the DePaul Rehabilitation Hospital Impaired Physicians Program, including the results of random urine drug screens, with the Board every ninety (90) days, commencing on the date of the original Order herein."

5. That as part of Respondent's participation in the DePaul Rehabilitation Hospital Impaired Physicians Program, Dr. Herrington required that Respondent have an appointment with Dr. Herrington for evaluation purposes prior to Dr. Herrington filing the written report required by paragraph 1(d) of Respondent's Limited License.

6. That Dr. Herrington set two separate appointments for Respondent to meet with him so that Dr. Herrington could submit a quarterly report in June of 1984. That Respondent cancelled those appointments because of schedule conflicts and Dr. Herrington sent a letter to the Medical Examining Board dated June 18, 1984, stating that he was unable to report on Respondent's physical or psychological state.

7. That Respondent ultimately met with Dr. Herrington on August 6, 1984, for his quarterly appointment. Dr. Herrington then sent a letter to the Medical Examining Board dated August 8, 1984, which constituted a report to the Board. The letter concluded: "I found no evidence of mental or physical impairment. Satisfactory progress."

8. That Dr. Herrington's last quarterly report prior to August 8, 1984, was a letter dated February 8, 1984. Thus, the reports were six months apart rather than the three months required by the Order.

COUNT V

9. That paragraph 1(f) of Respondent's Limited License requires:

"The Chairman of the Departments of Anesthesiology at St. Mary's Hospital and at Madison General Hospital shall file with the Board every six (6) months formal reports on applicant's activities and progress in his practice in anesthesiology."

10. That through October 25, 1984, the date the Disciplinary Complaint was issued, neither the Chairman of the Department of Anesthesiology at St. Mary's Hospital nor the Chairman of the Department of Anesthesiology at Madison General Hospital had filed any such report with the Medical Examining Board regarding Respondent.

11. That subsequent to the issuance of the Disciplinary Complaint the Chairmen of the Departments of Anesthesiology at the two hospitals have filed the necessary reports.

12. That Respondent had assumed that the filing of those reports would be coordinated between the hospitals and the Department of Regulation and Licensing, but now knows that it is his responsibility to see that all required reports are filed.

COUNT VI

13. That paragraph 1(g) of Respondent's Limited License requires:

"The Chiefs of Pharmacy Services at St. Mary's Hospital and at Madison General Hospital shall file with the Board every three (3) months inventory audit reports of controlled substances utilized by applicant in his practice or to which he has access. Such reports shall set forth controlled substances ordered and used, and shall identify each registered nurse or physician who has disposed of unused controlled substances utilized by applicant. In no case shall applicant himself dispose of unused controlled substances. Such reports shall also account for any controlled substance vials broken by applicant in the course of his practice. In the event of any such breakage, the vial tops shall be collected by a registered nurse or a physician other than the applicant and counted to insure that all vials are accounted for."

14. That the Chief of Pharmacy Services at St. Mary's Hospital has filed quarterly reports with the Medical Examining Board.

15. That from the date of the Second Amended Order, November 29, 1983 through October 25, 1984, the date the Disciplinary Complaint was issued, the Pharmacy Services at Madison General Hospital filed two reports with the Medical Examining Board. The first Report was dated May 9, 1984, and the second Report was dated October 9, 1984. The first Report purported to

be for the first quarter of 1984 and the second Report purported to be for the second quarter of 1984. Thus, the first Report was made to the Board approximately 39 days following the close of the first quarter, and the second Report was made approximately 100 days following the close of the second quarter.

16. That the reports from Pharmacy Services at Madison General Hospital were not reports of all controlled substances utilized by applicant, but rather represented monthly random auditing of a sample of the controlled substances utilized by Respondent.

17. That subsequent to the issuance of the Disciplinary Complaint in this matter, the reports from the Pharmacy Services at both hospitals have been timely and in proper form.

18. That Respondent assumed that the filing of the required reports by the Pharmacy Services at the two hospitals would be coordinated by the hospitals and the Department of Regulation and Licensing. Respondent further assumed that the Pharmacy Services were filing reports of all controlled substances utilized by Respondent. Respondent now realizes that it is his responsibility to ensure that the required reports are filed in proper form and timely manner.

COUNT VII

19. That paragraph 1(j) of Respondent's Limited License requires:

"Applicant shall appear before the Board for the purpose of oral interviews at the Board's regular meetings taking place in January, 1984; July, 1984; January, 1985, and thereafter at the discretion of the Board."

20. That the Medical Examining Board met on January 26 and 27, 1984. That Respondent did not appear before the Board on either of those dates, nor did he make any effort to appear before the Board on those dates.

21. That the Administrative Assistant to the Medical Examining Board sent Respondent a letter dated February 28, 1984, to Respondent's 20 South Park Street, Madison, Wisconsin address advising Respondent that he was to have appeared before the Board in January, 1984, and scheduling him for an appearance at the next meeting held by the Board on March 8, 1984.

22. That Respondent did appear before the Board on March 8, 1984. That at that time the Board advised Respondent that rather than appearing before the Board again in July, 1984 that he should appear in September, 1984.

23. That at the end of August, 1984 Respondent contacted the Administrative Assistant to the Medical Examining Board to find out when he should appear before the Board in September, 1984. That the Administrative Assistant to the Medical Examining Board advised Respondent that the appearance would be on September 13, 1984, and that it would probably be in the afternoon. The Administrative Assistant further advised Respondent that he would be sent a letter indicating the exact time of the appearance.

24. That on September 6, 1984, the Administrative Assistant to the Medical Examining Board sent a letter to Respondent at his 20 South Park Street, Madison, Wisconsin address indicating that the appearance before the Board on September 13, 1984, would take place at 1:00 p.m. in Room 176, 1400 East Washington Avenue, Madison, Wisconsin.

25. That because Respondent had previously changed his principal mailing address, he did not see the letter until September 21, 1984. That Respondent did not appear before the Board on September 13, 1984, nor did he cancel that appearance at anytime prior to the scheduled appearance.

26. That on September 21, 1984, Respondent telephoned the Administrative Assistant to the Medical Examining Board and advised her that he had that day first seen the letter that had been sent to him indicating he was to appear before the Board on September 13, 1984.

27. That Respondent had assumed that the Medical Examining Board or the Department of Regulation and Licensing would provide him with notification of when he was expected to appear before the Board. That Respondent now realizes that it is his responsibility to make certain that he appears as directed by the Board.

ALL COUNTS

28. That there is no evidence that Respondent has used or abused controlled substances in violation of his limited license. That Respondent affirmatively states that he has not used or abused any controlled substance in violation of his limited license.

29. That Respondent recognizes that his acts and omissions, as set out in these Findings of Fact, are the result of his lack of conscientiousness and lack of taking responsibility to ascertain that all requirements of the limited license are complied with. That Respondent now recognizes that it is important that he comply with all requirements of the limited license in addition to his complying with the principal requirement of the limited license that he not use or abuse controlled substances.

30. That it is Respondent's request, which is not objected to by Complainant, that Dr. Fred Koenecke, the Madison psychiatrist who has been providing his psychotherapy while Respondent was enrolled in the DePaul Rehabilitation Hospital Impaired Physicians Program, become the supervisor of Respondent's treatment program and that Respondent's treatment program no longer be coordinated through the DePaul Rehabilitation Hospital Impaired Physicians Program in Milwaukee.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Section 448.02(3), Wis. Stats.

2. That the Wisconsin Medical Examining Board is authorized by Section 227.07(5) to dispose of matters by stipulation. That because Respondent has stipulated that he may be Reprimanded and that the following Order be issued, without findings of unprofessional conduct being entered,

the Wisconsin Medical Examining Board has the authority pursuant to Section 227.07(5) Wis. Stats. to resolve this matter in this manner.

ORDER

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

IT IS FURTHER ORDERED that Richard C. Andringa, M.D., Respondent, be and hereby is REPRIMANDED for his having failed to comply completely with the reporting and appearance terms of his limited license.

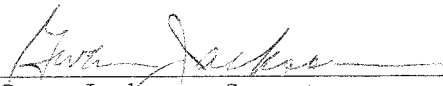
IT IS FURTHER ORDERED that the license of Richard C. Andringa, M.D., to practice medicine and surgery in the State of Wisconsin shall be limited in the following manner for 28 months, beginning the date of this Final Decision and Order:

1. During the term of the limitation, Richard C. Andringa, M.D., shall be permitted to practice medicine and surgery only at St. Mary's Hospital, Madison, Wisconsin, and Madison General Hospital, Madison, Wisconsin.
2. That Dr. Andringa shall abstain from any and all personal use of controlled substances as defined in Wis. Stats. sec. 161.01(4) except when necessitated by a legitimate medical condition and then only with the prior approval of Dr. Koenecke.
3. That during the term of the limitation, Richard C. Andringa, M.D., shall participate in a therapy program under the supervision of Fred Koenecke, M.D. That the content of the therapy program shall be determined by Dr. Koenecke. That participation in Alcoholics Anonymous or Narcotics Anonymous shall be required, only if Dr. Koenecke specifically requires it of Dr. Andringa. If for any reason Dr. Koenecke is unable to serve as supervisor of Dr. Andringa's therapy program, the Wisconsin Medical Examining Board shall appoint another physician to serve that role.
4. Dr. Andringa shall report all medications and drugs, over-the-counter or prescription, taken by him, with the exception of aspirin, acetaminophen and antacids, to Dr. Koenecke within 24 hours of ingestion or administration and shall identify the person or persons who prescribed, dispensed, administered or ordered such medication or drugs for him.
5. That Fred Koenecke, M.D. shall file a formal written report on Dr. Andringa's activities and progress in his treatment program, including the results of random blood or urine drug screens, with the Board every 90 days, commencing 90 days from the date of this Order. That it shall be Dr. Andringa's responsibility to ensure that such reports are filed in a timely manner. Dr. Koenecke and Dr. Andringa shall immediately report to the Medical Examining Board any suspected violations of this limited license.

6. That as part of Dr. Andringa's treatment program, random monitored blood or urine drug screens shall be conducted once each week at the direction of Dr. Koenecke. The specimens shall be provided within 24 hours of a request for such specimen made by Dr. Koenecke. Dr. Koenecke shall determine whether the specimen shall be a urine specimen, or a blood specimen, or both. Collection of these specimens shall be observed and verified by persons designated by Dr. Koenecke. That the blood or urine screen testing shall be done by a facility chosen by Dr. Koenecke. That the facility shall test the blood or urine for the same drugs as would be tested for by the DePaul Rehabilitation Hospital Impaired Professional Program. That if Dr. Koenecke feels more frequent random blood or urine drug screens are required, he may increase the number of random urine drug screens.
7. If any urine or blood specimen is positive or suspected positive for any controlled substances, Dr. Andringa shall promptly submit to additional tests and examinations as Dr. Koenecke shall determine to be appropriate to clarify or confirm the suspected positive urine or blood test results.
8. Dr. Andringa shall provide and keep on file with Dr. Koenecke, the facility doing the blood or urine drug screen testing, and all treatment facilities, current releases which comply with state and federal laws authorizing the release of all of his medical and treatment records and reports to the Medical Examining Board, and permitting his supervising physician and his treating physicians and therapists to discuss and disclose the progress of his treatment and of his rehabilitation with the Medical Examining Board. Copies of said releases shall be filed simultaneously with Medical Examining Board.
9. That Dr. Andringa shall ensure that the Chairmen of the Departments of Anesthesiology at St. Mary's Hospital and at Madison General Hospital shall file with the Medical Examining Board every six months, formal reports on Dr. Andringa's activities and progress in his practice in anesthesiology at those hospitals.
10. That Dr. Andringa shall ensure that the Chiefs of Pharmacy Services at St. Mary's Hospital and at Madison General Hospital shall file with the Board every three months, beginning three months from the date of this order, inventory audit reports of controlled substances utilized by Dr. Andringa in his practice or to which he has access. Such reports shall set forth controlled substances ordered and used, and shall identify each registered nurse or physician who has disposed of unused controlled substances utilized by Dr. Andringa. In no case shall Dr. Andringa himself dispose of unused controlled substances. Such reports shall also account for any controlled substance vials broken by Dr. Andringa in the course of his practice. In the event of any such breakage, the vial tops shall be collected by a registered nurse or a physician other than Dr. Andringa and counted to ensure that all vials are accounted for.

11. Dr. Andringa shall not make application for or hold a U.S. Drug Enforcement Administration registration for controlled substances during the period of this limited license. Dr. Andringa may, however, as agent or employee of Mitchell Rapkin, M.D., administer and dispense (other than by issuance of prescription) controlled substances under the registration of Dr. Rapkin, and when acting in the usual course of Dr. Andringa's employment or agency.
12. Dr. Andringa shall appear before the Medical Examining Board to review the progress of his rehabilitation, at the Board's regular meetings taking place in December, 1985, May, 1986, December, 1986, and thereafter at the discretion of the Medical Examining Board. It shall be Dr. Andringa's responsibility to ensure that he is scheduled to appear before the Board at the times specified in this paragraph.
13. That violation of any of the terms or conditions of this Order shall constitute grounds for revocation of Dr. Andringa's limited license.
14. That Dr. Andringa shall refrain from engaging in unprofessional conduct; shall appear before the Board or its officers or agents at such times and places as may be designated by the Board from time to time; shall fully disclose to the Board or its officers or agents the nature of his practice and conduct; and shall cooperate with the Board during the entire period of limitation. (Section 448.02(3)(a), Wis. Stats.)

Dated at Madison, Wisconsin this 22nd day of May, 1985.


Gwen Jackson, Secretary
Wisconsin Medical Examining Board

GW:JZ:lm
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