

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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1988
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JZ/PE

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
ROGER H. STRUBE, M.D.,	:	
RESPONDENT.	:	

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Roger H. Strube, M.D.
2591 Parkwood Drive
Green Bay, WI 54304

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

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 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 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. Roger H. Strube, M.D., Respondent, date of birth August 27, 1942, is a physician licensed to practice medicine and surgery in the State of Wisconsin; his license which bears #16850 was granted July 9, 1969.

2. That at all times relevant to this matter Respondent was practicing in South Milwaukee, Wisconsin and was specializing in the area of family practice. That Respondent is not now currently engaged in family practice.

3. Since November 1, 1987, Wis. Adm. Code 10.02(2)(s) has prohibited the prescribing of any amphetamine, designated as a Schedule II controlled substance, pursuant to the provisions of Chapter 161, Stats., to or for any person except for the treatment of narcolepsy, or the treatment of hyperkinesia, or for the treatment of drug induced brain dysfunction, or for the treatment of epilepsy, or for the differential diagnostic psychiatric

evaluation of depression or for the treatment of depression shown to be refractory to other therapeutic modalities, or for the clinical investigation of the effects of such drugs or compounds, in which case an investigative protocol therefore shall have been submitted to and reviewed and approved by the Board before such investigation has begun.

4. Dexedrine is a brand of dextroamphetamine, a sympathomimetic amine of the amphetamine group, and a Schedule II controlled substance as defined by sec. 161.16(5)(a), Stats.

COUNTS I AND II

5. That Respondent treated Patient A during the periods August 9, 1973 through July 14, 1975 and October 1978 through April 1983 for depression by prescribing Dexedrine for Patient A.

6. That Respondent treated Patient B during the period July 19, 1976 through June 1983 for depression by prescribing Dexedrine for Patient B.

7. That Respondent did not attempt to treat either Patient for depression with any other treatment modality and did not make inquiry of any other health care provider who had treated either Patient what treatment had been attempted for their depression.

ALL COUNTS

8. That neither Patient A nor Patient B will cooperate with the prosecution of this Complaint.

9. That Respondent has, at his own expense, voluntarily attended and successfully completed a continuing medical education course entitled "Protecting Your Medical Practice: Clinical, Legal and Ethical Issues in Prescribing Abusable Drugs" on November 16, 17 and 18, 1988 at Tampa, Florida, which program was jointly sponsored by the University of South Florida College of Medicine, Department of Continuing Medical Education, and the Florida Medical Association. The course provides 21 hours of Category I continuing medical education credits. A copy of the program brochure is attached and marked Exhibit A.

10. That neither the Wisconsin Department of Regulation and Licensing nor the Wisconsin Medical Examining Board have ever received other complaints regarding Respondent.

CONCLUSIONS OF LAW

1. That the Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to sec. 448.02(3), Wis. Stats.
2. That the Wisconsin Medical Examining Board has authority to enter into the stipulated resolution, pursuant to sec. 227.44(5), Wis. Stats.
3. That by prescribing Schedule II amphetamines to Patient A and Patient B for depression, without first attempting other treatment modalities or verifying that other treatment modalities had been attempted by other health care providers, Respondent has violated Wis. Adm. Code sec. Med 10.02(2)(s) and sec. 448.02(3), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Roger H. Strube, M.D., shall attend and successfully complete a medical educational course offering at least 21 Category I continuing medical education credits on the subject of the clinical, legal and ethical issues in prescribing abusable drugs.

IT IS FURTHER ORDERED that Roger H. Strube, M.D. having attended and successfully completed the medical education course entitled "Protecting Your Medical Practice: Clinical, Legal and Ethical Issues in Prescribing Abusable Drugs" offered November 16, 17 and 18, 1988 at Tampa, Florida, which program was jointly sponsored by the University of South Florida College of Medicine, Department of Continuing Medical Education and the Florida Medical Association satisfies the educational requirement set out in the preceding paragraph of this Order.

IT IS FURTHER ORDERED that Count III of the Complaint is hereby dismissed.

Dated at Madison, Wisconsin this 8 day of December, 1988.



Henry Mowat Waldren, Jr., M.D.

Secretary

Wisconsin Medical Examining Board

HMW:JZ:jrb
DOEATTY-409

PROGRAM DIRECTORS:

Joseph H. Demetri, M.D.
Chairman, Florida Medical Association
Tampa, Florida

Joseph J. Kravonovich, Jr., Ph.D.
Professor, Department of Pharmacology and Therapeutics
University of South Florida
Health Sciences Center
Tampa, Florida

FACULTY:

John C. Elandre, M.D.
Clinical Director
Addiction Treatment Program
St. John Hospital
Miami, Florida

Edward Jaffry, J.D.
General Counsel for Florida Pharmacy Association
Attorney, Kist, Kuller, Hogben,
Abramson, Linton & Davis, P.A.
St. Petersburg, Florida

George M. Joseph, M.D.
Medical Director
St. Johns River Hospital
Jacksonville, Florida

Shashidhar H. Kori, M.D.
Associate Professor of Neurology
University of South Florida
Health Sciences Center
Chief of Neurology, Tampa V.A. Hospital
Tampa, Florida

Donald H. Smith, Ph.D.
Professor, Department of Internal Medicine
University of South Florida
Health Sciences Center
Tampa, Florida

Kathryn Stuart, M.D.
Member - Florida Board of Medicine
Tampa, Florida

Dean L. Smith, M.D., Ph.D.
Dean and Professor Emeritus
University of South Florida
Health Sciences Center
Tampa, Florida

Joseph F. Williams, Ph.D.
Associate Professor of Pharmacology and Therapeutics
Department of Pharmacology and Therapeutics
University of South Florida
Health Sciences Center
Tampa, Florida

PROTECTING YOUR MEDICAL PRACTICE:
Clinical, Legal and Ethical Issues in Prescribing Abusable Drugs
REGISTRATION

Registration Fee: \$300.00

November 16-18, 1988

Name _____
Last First Degree

Office Address _____

City State Zip Code

Specialty _____

Please complete the registration form and mail with your remittance (payable to Office of Continuing Medical Education) University of South Florida, Health Sciences Center, 12901 N. Bruce B. Downs, Box 46, Tampa, Florida 33612.

For additional program information, please call (813) 974-4286.

**PROTECTING YOUR
MEDICAL PRACTICE**



Continuing Medical Education
Health Sciences Center, Box 46
12901 Bruce B. Downs Boulevard
University of South Florida
Tampa, Florida 33612

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Tampa, Florida

CONTINUING MEDICAL EDUCATION

**PROTECTING YOUR
MEDICAL PRACTICE**

Clinical, Legal and Ethical
Issues in Prescribing
Abusable Drugs

A Physician's Education Program



November 16-18, 1988

Location:
Holiday Inn - South Gardens
2701 East Fowler Avenue
Tampa, Florida

Presented by
Florida Medical Association
and the
University of South Florida
Health Sciences Center
Tampa, Florida

EXHIBIT A

EDUCATIONAL OBJECTIVES

Upon completion of the program, participants will be able to describe the basic pharmacology and pharmacokinetics of controlled drugs; the opiate, sedative hypnotics, psychotropic drugs and the stimulants. The participant will learn to assess the need and proper use of the above listed drug classes in the treatment of pain management and mood disorders. Participants will achieve an improved understanding of drug abuse, drug dependence and addiction. The legal basis of medical and state drug control policies will be presented with special emphasis on the Florida Medical Practice Act. This educational program is presented in consultation with the Department of Substance Abuse, American Medical Association, Bonnie B. Willard, Director.

ACCREDITATION

The University of South Florida College of Medicine is accredited by the Accreditation Council for Continuing Medical Education to sponsor continuing medical education for physicians.

The University of South Florida College of Medicine certifies that this continuing medical education program meets the criteria for 21 hours of credit in Category 1 for the Physician's Recognition Award of the American Medical Association.

REGISTRATION

\$100 Registration fee. All registrations include a \$50 non-refundable administrative fee for cancellation.

ACCOMMODATIONS

A block of rooms has been reserved at the Holiday Inn - Busch Gardens. To receive the reduced room rate of \$48.00 single/double occupancy, please identify yourself as attending the College of Medicine Conference. Telephone: 1-4710.

WEDNESDAY, NOVEMBER 16, 1988

8:00 a.m.	Registration		9:30 a.m.	Break		5:00 p.m.	Current Controversies
8:45 a.m.	Introduction and Instructions	Joseph H. Ivantch, M.D.	10:00 a.m.	Chronic Pain Management: Acute versus Chronic Pain Pain Control in Drug Dependent Patients Pain Control and the Terminal Patient Pain Control versus Inpatient Clinical Management	Stanislav H. Karl, M.D.		
9:00 a.m.	Basic Pharmacodynamics and Pharmacokinetics of Mixed Acting Substances (Part I)	Joseph F. Williams, Ph.D.	11:00 a.m.	Break			
9:50 a.m.	Break		11:15 a.m.	Chronic Pain Management (Part II)			
10:00 a.m.	Basic Pharmacodynamics and Pharmacokinetics of Mixed Acting Substances (Part II)	Joseph F. Williams, Ph.D.	11:45 a.m.	Pain Management Video			
11:00 a.m.	Sedative Hypnotics: Basic Pharmacology of Ethanol and Its Implications with Regard to Therapy	Joseph J. Krzuwinski, Ph.D.	12:00	Lunch			
12:00 noon	Lunch		1:00 p.m.	Patient Oriented Problem Solving - Complications of Analgesic Therapy - Lipidol Series	Facilitator: J. Krzuwinski, Ph.D.		
1:00 p.m.	The Pharmacology of Sedative Hypnotics: Benzodiazepines	Joseph F. Williams, Ph.D.	2:30 p.m.	WPS - Program Contained Questions			
2:00 p.m.	The Pharmacology of Sedative Hypnotics: Miscellaneous Agents	Joseph F. Williams, Ph.D.	2:50 p.m.	Break			
2:50 p.m.	Break		3:00 p.m.	Understanding Abuse, Dependence and Addiction	John C. Rustace, M.D.		
3:00 p.m.	Pharmacology & Therapeutics: Opioids (ACUTE PAIN)	Dann L. Smith, M.D., Ph.D.	4:20 p.m.	Break			
4:00 p.m.	Pharmacology & Therapeutics: Opioids (ACUTE PAIN)	Dann L. Smith, M.D., Ph.D.	4:30 p.m.	Case Presentations (The Patient With Low Back Pain, Who Can't Sleep, With Migraine Suffering 3 Physicians, etc. - What Do I Do Now?)	John C. Rustace, M.D.		
4:50 p.m.	Patient Oriented Problem Solving (WPS)	Joseph J. Krzuwinski, Ph.D.					
5:00 p.m.	Adjourn						

THURSDAY, NOVEMBER 17, 1988

8:30 a.m.	Announcements	Joseph H. Ivantch, M.D.
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FRIDAY, NOVEMBER 18, 1988

8:00 a.m.	Managing Mood Disorders - Referral Non-Chemical Management of George M. Joseph, M.D.	
9:30 a.m.	Break	
10:00 a.m.	Dealing With the "Pro Se" and Pain at Video - "Prescribing Controlled Drugs Identifying Common Uses (SCN) of the Month)	John Paul M.D.
11:15 a.m.	Security For the Physician and Other (Assessing Office Practices, Are They Legal? Are They Safe?)	Joseph D. Dabich, M.D.
12:00 noon	Lunch	
1:00 p.m.	Regulatory Issues: (Laws, Regulations, Policies and Procedures Who Do I Listen To and How Do I Practice Effectively Within the System?) Ed Jaffry, M.D.	
2:00 p.m.	Ethical Issues	David H. Smith, Ph.D.
3:00 p.m.	Break	
3:15 p.m.	Current Controversies (Presentation and Discussion)	Joseph H. Ivantch, M.D.
4:00 p.m.	Post Course Examination	
4:15 p.m.	Adjourn	

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROGER H. STRUBE, M.D.,
RESPONDENT.

STIPULATION

It is hereby stipulated and agreed, by and between, Roger H. Strube, M.D., Respondent; Wm. Pharis Horton, attorney for Respondent; John R. Zwieg, attorney for the Complainant, Wisconsin Department of Regulation and Licensing, Division of Enforcement; and the Wisconsin Medical Examining Board, as follows:

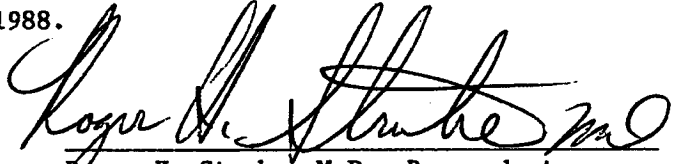
1. That this Stipulation may be submitted directly to the Wisconsin Medical Examining Board and need not be submitted to Donald R. Rittel, the hearing examiner appointed in this matter.
2. That in the event that any portion of this Stipulation or proposed Findings of Fact, Conclusions of Law, Order or Final Decision is not accepted by the Wisconsin Medical Examining Board that the entire Stipulation and proposed Findings of Fact, Conclusions of Law, Order and Final Decision shall be void and have no effect. In the event that this resolution is not accepted by the Board, the parties agree not to contend that the Board has been biased in any manner as a result of these documents being presented to the Board in this attempted resolution.
3. That the Respondent and the attorneys for the parties may appear before the Wisconsin Medical Examining Board and argue in favor of acceptance of this Stipulation and the entry and issuance of the attached Final Decision and Order.
4. That Respondent does not admit the conduct set out in the Findings of Fact, but for personal reasons agrees for purposes of this action only that the Wisconsin Medical Examining Board may make and enter the attached Final Decision and Order, without prior notice to any party.
5. That in return for Respondent agreeing to the entry and issuance of the attached Final Decision and Order, Complainant hereby moves the Wisconsin Medical Examining Board for an Order dismissing Count III of the Complaint.

6. That based upon the motion of Complainant, the Wisconsin Medical Examining Board agrees to dismiss Count III of the Complaint.

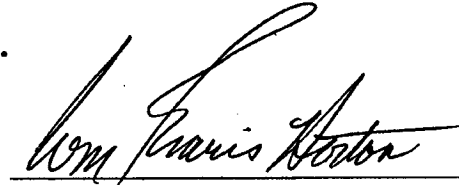
7. That the Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to sec. 448.02(3), Wis. Stats.

8. That the Wisconsin Medical Examining Board has authority pursuant to sec. 227.44(5), Wis. Stats., to resolve this contested case by stipulation.

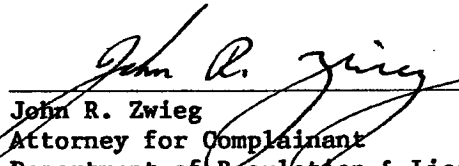
Dated this 21 day of November, 1988.


Roger H. Strube, M.D., Respondent

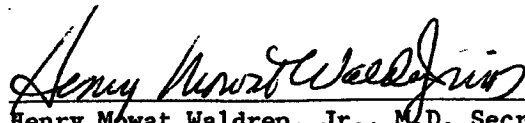
Dated this 16 day of November, 1988.


Wm. Pharis Horton
Attorney for Respondent

Dated this 30th day of November, 1988.


John R. Zwieg
Attorney for Complainant
Department of Regulation & Licensing
Division of Enforcement

Dated this 8 day of December 1988.


Henry Mowat Waldren, Jr., M.D. Secretary
Wisconsin Medical Examining Board

HMW:JZ:gad
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