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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

GUILLERMO VARONA, JR., M.D.

LS8903202MED

Respondent

ORDER DENYING PETITION

The Medical Examining Board issued its Final Decision and Order in the above-captioned matter on June 4, 1991. By the terms of the board's Order, Dr. Varona's license was suspended for an indefinite period. The suspension was stayed, and Dr. Varona was ordered to participate in one year of a family practice residency program. Thereafter, Dr. Varona was permitted to petition for termination of the suspension, which petition was to be granted upon satisfactory completion of the SPEX examination and an oral examination to be administered by the full board.

Dr. Varona appealed the board's order, and the matter was ultimately resolved through a stipulation. By its Amended Order dated June 22, 1994, adopting the Stipulation, the board ordered that its previous order be vacated, that Dr. Varona be reprimanded, and that Dr. Varona complete an evaluation by Dr. Tom Meyer, University of Wisconsin Extension, to determine what further medical education is necessary, and that Dr. Varona complete whatever course or courses are recommended by Dr. Meyer. The expenses of the evaluation and taking of recommended courses, if any, were ordered to be borne by Dr. Varona.

On January 31, 1995, the board received Dr. Meyer's evaluation proposing an extensive education program, including coursework in pain and controlled substance management and in hospital practice, a two week visiting fellowship in an ambulatory care facility, and home study education in the areas of the majority of his practice. The board considered the recommendation at its meeting of February 22, 1995, and approved the program by its order dated March 3, 1995.

By letter dated March 6, 1995, Dr. Varona, by Attorney Bradley Dallet, petitioned the board for an order modifying the terms of Dr. Meyers recommended program consistent with what Dr. Varona had anticipated would be a far less extensive training requirement. The board considered the matter at its meeting of March 23, 1995.

Based upon the petition, and upon all other information of record herein, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the petition of Guillermo Varona, Jr., M.D., for modification of the remedial education program as recommended by the University of Wisconsin School of Medicine Continuing Medical Education Extension, be, and hereby is, denied, and detailed planning shall be commenced within 45 days of the date hereof.

DISCUSSION

The stipulated order in this matter states as follows:

IT IS FURTHER ORDERED that Guillermo Varona, Jr., M.D., complete an evaluation by Dr. Tom Meyer, University of Wisconsin Extension, to determine what further medical education is necessary and that Guillermo Varona complete whatever course or courses that are recommended by Dr. Meyer. The expense of the evaluation and taking of recommended courses, if any, are to be borne by Guillermo Varona, Jr., M.D.

The first basis for Dr. Varona's petition is that it was not anticipated at the time the foregoing stipulation was executed that Dr. Meyer's recommendations would be as extensive as they proved to be, and that had that fact been known, Dr. Varona would not have entered into the stipulation. That may well be, but there is nothing in the stipulation which places limitations on the scope of any recommended program and, had there been, it would probably have been the board that would have declined to accept the stipulated resolution of the matter.

Dr. Varona's second contention is that the recommended program is inconsistent with the evaluation. He cites no language in the evaluation which would appear to indicate that shortcomings cited under the various objectives are relatively minor in nature. In placing those comments in context, however, it becomes clear that the evaluation is perfectly consistent with the recommended program. For example, under objective 2, involving pain assessment and use of analgesics, Dr. Varona cites to Dr. Meyer's comment that "the experience is that many primary care physicians would perform at the same level [as Dr. Varona] on a similar assessment." What is left unaddressed, however, are the actual findings of the assessment under objective 2, which include: "Dr. GV showed only the most rudimentary understanding of the mechanisms of pain production and the managements of varieties of pain that may be present in the course of primary care practice;" and "Dr. GV's knowledge and skills in pain management were rated as 2-3 (unacceptable) on a scale of 1 (Very unacceptable) to 8 (Very acceptable)."

For the board to now ignore Dr. Meyer's evaluation and recommendations based on nothing more than Dr. Varona's complaint that the recommended program is burdensome would be to ignore the board's obligation to protect the health, safety and welfare of the public.

Dated this 29th day of March, 1995.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by W.R. Schwartz M.D.
W.R. Schwartz, M.D.
Secretary

WRA-9406133