

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
WARREN N. OTTERSON, M.D.,	:	95 MED 365
RESPONDENT	:	

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

Warren N. Otterson
7370 Barkridge Drive

Shreveport, LA 71119

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

Department of Regulation and Licensing
Division of Enforcement
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 decision 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. Warren N. Otterson, M.D. (DOB 11/06/29) is duly licensed to practice medicine and surgery in the state of Wisconsin (license #12134). This license was first granted on August 1, 1955.

2. Dr. Otterson's most recent address on file with the Wisconsin Medical Examining Board is 7370 Barkridge Drive , Shreveport, LA 71119.

3. On October 23, 1995, the Louisiana State Board of Medical Examiners imposed discipline upon the Louisiana license of Dr. Otterson to practice medicine. A true and correct copy of the 10/23/95 Louisiana Order is attached to this document as Exhibit A. Exhibit A is incorporated into this document by reference.

4. In resolution of this matter, Dr. Otterson consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to sec. 448.02(3), Wis. Stats., and is authorized to enter into the attached Stipulation and Order, pursuant to sec. 227.44(5), Wis. Stats.

2. The conduct described in paragraph 3, above, constitutes a violation of Wis. Adm. Code sec. Med 10.02(q).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Medical Examining Board ACCEPTS the SURRENDER of the license of Warren N. Otterson (license #12134) to practice medicine and surgery in the State of Wisconsin.

IT IS FURTHER ORDERED that should Dr. Otterson reapply for Wisconsin licensure, the Board may in its sole discretion determine whether, and under what terms and conditions, this license may be reissued.

This Order shall become effective upon the date of its signing.

MEDICAL EXAMINING BOARD

By: Walter R. Selaway MD
A Member of the Board

July 24, 1996
Date

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 CAMP STREET, NEW ORLEANS, LA 70130
MAILING ADDRESS. POST OFFICE BOX 30250, NEW ORLEANS, LA 70190-0250



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FAX (504) 568-8893

Writer's Direct Dial

-----X
In the Matter of

WARREN NELS OTTERSON, M.D.
(Certificate No. 06273R)

No. 94-I-081

CONSENT
ORDER

An investigation conducted by the Investigating Officer of the Louisiana State Board of Medical Examiners (the "Board"), appointed by the Board with respect to this matter, has developed apparently reliable information which indicates that over a seven (7) month period, from September, 1993 to January, 1994, Warren Nels Otterson, M. D. ("Dr. Otterson"), a physician engaged in the practice of obstetrics and gynecology in Shreveport, Louisiana, issued several prescriptions for the controlled substances Fiorinal and Restoril in the name of an individual other than for whom such medication was intended and which were in fact employed for his own personal use, allegedly for self-treatment of migraine headaches, or for use by an individual other than named on the prescription. Such information also indicates that Dr. Otterson signed an insurance register in the name of the individual to whom such prescriptions were written, resulting in claims in the amount of \$52.26 being submitted to and paid by the alleged patient's insurer. Accordingly, the Investigating Officer is of the opinion that the information gathered during the course of investigation provides legal cause for the suspension, revocation or imposition of other terms, conditions and or restrictions on Dr. Otterson's license to practice medicine in the state of Louisiana, pursuant to the Louisiana Medical Practice Act (the "Act") as the Board may deem appropriate.¹

As evidenced by his subscription hereto, Dr. Otterson acknowledges and admits to the substantial accuracy of the foregoing information and, further, that proof of such information upon an administrative evidentiary hearing would establish grounds under the Act for the suspension, revocation or imposition of such other terms, conditions or restrictions as the Board might deem appropriate on his license to practice medicine in the state of Louisiana.²

¹Pursuant to La. Rev. §37:1285A(6), (10), (11), (13) and (14).

²La. Rev. Stat. §37:1285A(6), (10), (11), (13) and (14).

Exhibit A

Recognizing his right to have notice of such allegations and charges asserted against him to an administrative adjudication of such charges at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:955-965, Dr. Otterson, nonetheless, hereby waives his right to notice of charges and formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter and acknowledges and waives any right to which he may be entitled pursuant to the Act or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court relating to the matters referred to herein. By his subscription hereto, Dr. Otterson also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Otterson expressly acknowledges that the disclosure of the information to the Board by the Investigating Officer or his legal counsel shall be without prejudice to the Investigating Officer's authority to file a formal Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Warren Nels Otterson, M.D., to practice medicine in the state of Louisiana shall be and the same is hereby **SUSPENDED** for a period of thirty (30) days from November 6, 1995;

IT IS FURTHER ORDERED that following the suspension referred to herein above, that the license of Dr. Otterson shall be reinstated, **ON PROBATION**, for a period of three (3) years from the date of reinstatement; *provided, however*, that such reinstatement of license and Dr. Otterson's continuing exercise of the rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following minimum terms, conditions and restrictions:

- (a) **Prescription, Dispensation, Administration of Controlled Substances Prohibited.** Dr. Otterson may not, at any time following the execution of this agreement by the Board and for the remainder of his medical career, prescribe, dispense, or administer any controlled substance which may be classified, defined, enumerated, or included in 21 C.F.R. §§1308.11-.15, La. Rev. Stat. §40:964, or any substance, which may hereafter be designated a controlled substance by amendment or supplementation of such regulations and statute, as well as the drugs S tadol, Nubain, Dalgan or Soma, in any form or generic thereof. In furtherance of this condition, Dr. Otterson shall, within thirty (30) days from the effective date hereof, surrender to the appropriate state and federal authorities all controlled substance registrations or certificates in his possession. This prohibition shall not, however, extend to medications ordered or prescriptions written by Dr. Otterson for institutional or hospital in-patients under the permit or license of said institution or hospital. At the conclusion of the period of probation ordered herein, Dr. Otterson may petition the Board for relief from all or part of this condition of probation, which the Board in its sole discretion, is free to grant or deny.

- (b) **Continuing Medical Education.** Should Dr. Otterson elect to seek reinstatement of his controlled substances privileges following the probationary period ordered hereinabove, he shall undertake and successfully complete one or more CME courses which are approved by the Board,³ in pain management/judicious use and appropriate prescribing of controlled substances. Successful completion of such a course of study shall be a prerequisite to the Board's consideration of any request for reinstatement of his controlled substances privileges following the probationary term set forth hereinabove.
- (c) **Payment of Fine.** Dr. Otterson shall pay to the Board a fine in the amount of Three Thousand and No/100 (\$3,000.00) Dollars, which sum shall be paid on or before December 31, 1995.
- (d) **Absence from State-Effect on Suspension.** Should Dr. Otterson, at any time during the period of probation ordered hereinabove, be absent from the state of Louisiana, relocate to and/or take up residency in any other state for the purpose of practicing medicine, for a period of thirty (30) days or more, then, in such instance, the probationary period ordered hereinabove shall be deemed interrupted and shall not commence or run until Dr. Otterson returns to and takes up residency in the state of Louisiana for the purpose of practicing medicine in this state. In such instance, Dr. Otterson shall not receive credit towards the probationary period ordered hereinabove for the time period for which he was absent from the state of Louisiana, regardless of whether or not Dr. Otterson actually practiced medicine in such other state during the period of absence.
- (e) **Verification of Compliance/Probation Officer.** Dr. Otterson shall submit to the attention of the Board's Probation Officer or such other authorized representative of the Board, his fine, CME certification, as well as all other documents, items or matters provided for herein, throughout the tenure of the probationary period identified hereinabove. Moreover, Dr. Otterson shall also notify the Probation Officer of his current personal and business addresses and telephone numbers, as well as any change thereof.
- (f) **Certification of Compliance with Probationary Terms/Personal Appearance before the Board.** Within sixty (60) days of the scheduled date of termination of probation, Dr. Otterson shall provide the Board with a notarized oath certifying that he has complied with all conditions imposed upon him by this Order. Prior to the full restoration of his license at the conclusion of the probationary period, Dr. Otterson shall, by appointment coordinated by him with the offices of the Board's Executive Director, make a personal appearance before the Board to discuss his then-current practice, plans and his compliance with the terms and conditions hereof.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the restrictions set forth by this Order by Dr. Otterson, shall be

³Dr. Otterson may contact the offices of the Board's Executive Director for assistance in locating appropriate CME courses to satisfy this condition

deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Otterson's license to practice medicine in the state of Louisiana.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 26th day of October, 1995.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

By: F. P. Bordelon, Jr.
F. P. BORDELON, JR., M.D.
President

ACKNOWLEDGMENT
AND CONSENT

I, WARREN NELS OTTERSON, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 23rd day of October, 1995.

Warren Nels Otterson M.D.
WARREN NELS OTTERSON, M.D.

WITNESS:

G. Gay Branch

CERTIFIED TRUE COPY

Mrs. Delmar Rorison
Mrs. Delmar Rorison, Executive Director
Louisiana State Board of Medical Examiners

Date 2/5/96

[#2]

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
WARREN N. OTTERSON, M.D.,	:	95 MED 365
RESPONDENT	:	

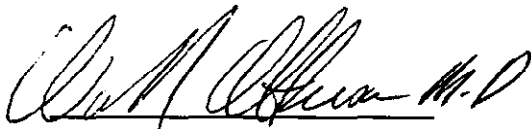
It is hereby stipulated between Warren N. Otterson, personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Dr. Otterson's licensure by the Division of Enforcement (95 MED 365). Dr. Otterson consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Dr. Otterson understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Americans with Disabilities Act of 1990, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Dr. Otterson is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.
4. Dr. Otterson agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

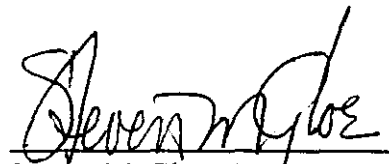
6. Attached to this Stipulation is the current licensure card of Warren N. Otterson. If the Board accepts the Stipulation, Dr. Otterson's license shall be reissued only in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of Dr. Otterson shall be returned to him with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Medical Examining Board assigned as an advisor in this investigation may appear before the Medical Examining Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

8. The Division of Enforcement joins Dr. Otterson in recommending the Medical Examining Board adopt this Stipulation and issue the attached Final Decision and Order.


Warren N. Otterson, M.D.

9 July 96
Date


Steven M. Gloe, Attorney
Division of Enforcement

7.17.96
Date

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

July 25, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)