

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

KENNETH L. STREBE, M.D.,
RESPONDENT.

FINAL DECISION AND ORDER
95 MED 362

LS9711204MED

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

Kenneth L. Strebe, M.D.
14290 Armstrong St.
Mountain, WI 54149

Wisconsin 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. Respondent Kenneth L. Strebe (dob 12/26/29) is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #14708, first granted on 7/10/63. Respondent is a family practitioner.
2. Respondent did, between 1979 and the present, treat as a patient D.A., a male born in 1932. The patient fell from a ladder while at work in 1986, and since then has been treated by respondent with long term injected steroids and opioid analgesia.
3. Respondent's records fail to record a diagnosis consistent with signs and symptoms which would justify such prescribing, fail to explain why meperidine was chosen over other medications which were also prescribed, and fail to demonstrate that basic precautions were taken when prescribing long term opioid analgesia.
4. Respondent has referred the patient to a pain clinic in 1991, but the patient apparently did not follow through and respondent continued to prescribe without explanation. Respondent has not referred the patient to another practitioner for an independent consult to determine whether there are alternatives to long term opioid analgesia.
5. Respondent's treatment of the patient with long term steroids is not justified by anything in the patient's chart, and carries the risk of serious permanent harm to the patient.

CONCLUSIONS OF LAW

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

B. The conduct described in paragraph 2-5, above, violated § Med 10.02(2)(h), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

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

IT IS FURTHER ORDERED, that the license to practice medicine and surgery of Kenneth L. Strebe, M.D., is LIMITED as provided in §448.02(3)(e), Stats., and in the following respects:

Evaluation of current practice skills

1. Respondent shall undergo an assessment to evaluate respondent's current abilities regarding the practice of medicine in his current practice. The assessment shall be performed under the direction of the University of Wisconsin Continuing Medical Education Program [UW-CME], and shall include, but not be limited to, respondent's knowledge regarding appropriate use of steroids and any other area deemed appropriate by the program, and may include a cognitive screening assessment, peer interview, and/or physical examination. Respondent shall initiate the assessment process within fifteen (15) days of the date of this order and complete the assessment no later than ninety (90) days of the date of this order.
2. If the results of this assessment process show a deficiency in respondent's abilities, respondent shall participate in and successfully complete an educational program established through the UW-CME and based upon on the results of the assessment. Respondent shall complete this program within the time parameters established by the UW-CME, and by no later than eighteen (18) months from the date of this Order.
3. In the event that UW-CME states that it is unable to develop an educational program which adequately addresses the issues identified in the assessment, the program shall notify the Board of this fact, and the matter shall be returned to the Division of Enforcement for further action. The results of the assessment shall be admissible as evidence in any subsequent proceedings in this action. In such case, the Board shall in its sole discretion determine what, if any, discipline shall be imposed in lieu of the educational program, and respondent shall have the opportunity to be heard on that issue.
4. Respondent shall be responsible for all costs incurred for the assessment and training under the terms of this Order.
5. The UW-CME shall certify to the Board the results of the assessment and educational program upon their completion.

SPEX

6. Respondent shall, within nine months of this Order, take and achieve a score of 75 or better on the SPEX (Special Purpose Examination). Respondent may attempt the test twice during this time, but it is respondent's responsibility to schedule himself to take the examination in a timely manner if he wishes to leave himself the option of a second attempt. Respondent shall not attempt the examination more than twice without permission of the Board. If respondent does not achieve this score on his second attempt or has not achieved this score within the time provided, his license shall be suspended forthwith by staff, without further order of the Board, until respondent does achieve a score of 75 or better, or the Board modifies this Order.

Recordkeeping course

7. Respondent shall, at his own expense, participate in and successfully complete within 12 months of the date of this Order, an educational program established through the University of Wisconsin Continuing Medical Education program (which may conduct any program through the Medical College of Wisconsin or another CME provider) in recordkeeping, and approved by the Board or its designee.
8. Under the tutelage of a mentor selected by the program, respondent shall review a text selected by the mentor dealing with medical recordkeeping, and shall introduce the mentor's recommended improvements into his system over the period of the program in both his office and hospital records. All of respondent's records may be reviewed and discussed periodically with the mentor, as the mentor shall determine. The review may include not only the adequacy of documentation, but any other quality of care or related issue.
9. The mentor shall agree to report any matter which may constitute a danger to the health, safety or welfare of patient or public, or any violation of law, to the Board, whenever it comes to the mentor's attention.
10. Respondent's progress and the outcome of the program shall be reported directly to the department monitor, who may discuss respondent's progress with the mentor. The UW-CME shall certify to the Board the results of the program upon completion.

Prescribing course; DEA privileges

11. Respondent shall not prescribe, dispense, order, or attempt to prescribe, dispense or order, any controlled substance, and shall surrender his DEA registration to the DEA, until he has taken and satisfactorily passed the 45 hour course in Proper Prescribing of Controlled Dangerous Substances sponsored by Forensic and Educational Consultants of Margate, N.J., or an equivalent course which has been approved in advance by the Board.
12. Respondent shall arrange for the course sponsors to report directly to the Department Monitor, and release all records of his performance, attendance, and related issues.
13. When respondent has satisfactorily completed the course, staff shall inform respondent that this limitation has been removed from his license and he may then resume prescribing controlled substances if he then obtains a valid DEA permit to do so. Respondent shall be responsible for all costs of taking the exam and the course.

Dispensing


14. Respondent shall not dispense any prescription drugs, medications, or devices other than free samples provided by manufacturers and medications administered directly by him (e.g. injections). All medications and devices prescribed by him for later administration (other than sample medications) shall be dispensed via prescription order through licensed pharmacies.

IT IS FURTHER ORDERED, that respondent shall pay the costs of investigating and prosecuting this matter in the amount of \$500, within 30 days of this order.

IT IS FURTHER ORDERED, that pursuant to §448.02(4), Wis. Stats., if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license and registration of respondent be summarily suspended pending investigation of the alleged violation.

Dated this 10 day of Nov, 1997.

WISCONSIN MEDICAL EXAMINING BOARD, by:

by: 
a member of the Board

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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KENNETH L. STREBE, M.D.,
RESPONDENT.

STIPULATION
95 MED 362

It is hereby stipulated between the above Respondent and the undersigned prosecuting attorney for the Division of Enforcement of the Department of Regulation and Licensing, as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondent by the Division of Enforcement. Respondent consents to the resolution of this investigation by agreement and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation, respondent waives the following rights with respect to disciplinary proceedings: the right to a statement of the allegations against respondent; a right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against respondent; the right to call witnesses on respondent's behalf and to compel attendance of witnesses by subpoena; the right to testify personally; 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 respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Respondent is aware of respondent's right to seek legal representation and has been provided the opportunity to seek legal advice before signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties 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 or the proposed Final Decision and Order, 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. The parties agree that an attorney for the Division of Enforcement may appear before the Board, in open or closed session, without the presence of Respondent or Respondent's attorney, for the purposes of speaking in support of this agreement and answering questions that the members of the Board and its staff may have in connection with their deliberations on the case.
7. The Case Advisor in this matter may participate freely in any deliberations of the Board regarding acceptance of this Stipulation and the proposed Final Order, and may relate to the Board any knowledge and view of the case acquired during the investigation.

8. This stipulation is subject to approval by the Division of Enforcement's attorney-supervisor. If approved by the supervisor, the Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

9. Respondent is informed that should the Board adopt this stipulation, the Board's final decision and order is a public record and will be published in the monthly *Report of Decisions* issued by the department. A summary of the order will be published in the *Wisconsin Regulatory Digest* issued semiannually by the Board. A press release will be prepared and distributed to all press boxes in the State Capitol building, to the press in the community where respondent resides and practices, and to individuals and organizations included on a mailing list maintained by the department. This is standard department procedure and in no way specially directed at Respondent.

10. Respondent agrees to deliver respondent's credentials to the Board immediately upon receipt of the Final Decision and Order resulting from this Stipulation. Respondent will then be provided with the standard credential issued by the department to those practicing under limitations. Respondent is informed that the Board is required to file an Adverse Action Report with the National Practitioner Data Bank within 30 days following the date of its Final Decision Order. Other reporting as required by law will occur. This is standard department procedure and in no way specially directed at Respondent.

Kenneth L. Strebe M.D. Oct 23, 97
Respondent Date

Arthur Tuxton 10/28/97
Prosecuting Attorney Date
Division of Enforcement

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On November 20, 1997, the Medical Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$500.00 Case #: LS9711204MED

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 500.00

The costs and/or forfeitures are due: December 20, 1997

NAME: Kenneth L. Strebe LICENSE NUMBER: 14708

STREET ADDRESS: 14290 Armstrong Street

CITY: Mountain STATE: WI ZIP CODE: 54149

Check whether the payment is for costs or for a forfeiture or both:

COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

G\BDLS\FM2145 DOC

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of Disciplinary Proceedings Against

Kenneth L. Strebe, M.D.,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On November 24, 1997, I served the Final Decision and Order dated November 20, 1997, and Guidelines for Payment of Costs and/or Forfeitures, LS9711204MED, upon the Respondent Kenneth L. Strebe, M.D. by enclosing true and accurate copies of the above-described documents in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 494.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:


Kenneth L. Strebe, M.D.
14290 Armstrong Street
Mountain WI 54149



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 24th day of November, 1997.



Notary Public, State of Wisconsin
My commission is permanent.

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:

November 24, 1997

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.)