

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 :

RICHARD F. SORENSEN, M.D.,
RESPONDENT. :

FINAL DECISION AND ORDER
96 MED 341

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

Richard F. Sorensen, M.D.
205 Valley Avenue
West Bend, WI 53095

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 Richard F. Sorensen (dob 6/5/27) 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 #11965, first granted on 9/20/54. Respondent is a general practitioner, and is not licensed in any other state.
2. Respondent did, on September 5, 1996, self-administer without a prescription both meperidine and morphine. Respondent cannot account for certain other controlled substances which he received as samples, and which he consumed without a prescription from another practitioner.
3. Respondent has retired from his position as a staff physician with an HMO in Milwaukee, and represents that he does not wish to engage in the full time practice of medicine for compensation again, but does wish to offer his professional services on a part time basis at local "free clinics" for the benefit of the poor. During the period of his employment with this employer and its predecessor, some 26 years, there were no complaints about respondent's quality of care or practice.

CONCLUSIONS OF LAW

5. 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.

6. The conduct described in paragraph 2, above, violated § Med 10.02(2)(p), 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 and registration to practice medicine and surgery of Richard F. Sorensen, M.D., is LIMITED as provided in §448.02(3)(e), Wis. Stats., and in the following respects:

1. Respondent shall not practice clinical medicine for compensation at any time EXCEPT by performing histories and physical examinations on behalf of third parties such as employers or insurance companies (such practice being deemed to be clinical practice within the meaning of this Order). Respondent may practice clinical medicine only as a volunteer in a non-profit community-service type of setting. Respondent's total practice shall be no more than 25 hours per week.
2. Respondent shall practice only in a setting in which he has no physical access to sample medications or controlled substances.
3. Respondent shall not order or prescribe controlled substances for any member of his family, to include spouse, his children and their spouses, and his grandchildren.
4. Respondent shall consume no controlled substance not prescribed by an authorized practitioner for a legitimate medical purpose, and submit forthwith to such tests (announced or unannounced) of his hair and/or body fluids as the department monitor or other agent of the department or Board may require, from time to time.
5. Respondent shall furnish a copy of this order to the medical director (or equivalent position) of any employer for which respondent shall perform any professional services requiring an MD/DO degree, or license to practice medicine and surgery.
6. Respondent shall notify the Board, through the department monitor, of any setting in which he provides medical services, whether by clinical practice, file review, or otherwise, within 5 days of his knowledge that he will be doing so.
7. Respondent shall, upon request, release the names of all of his past and present health care practitioners, including all of his medical records and charts maintained by such practitioners, to the department, including those relating to mental health, AODA, and AIDS, and any other records which are subject to special protection under state or federal law.
8. During any period of time in which he is engaged in any clinical practice, respondent shall continue or initiate therapy with a qualified psychiatrist or clinical psychologist (or other therapist acceptable to the Board, which approval shall not be unreasonably withheld), and shall affirmatively inform the department monitor within 5 days of commencing the professional relationship of the name, professional address, and professional telephone number of any such therapist, shall provide such practitioner with a copy of this order, and shall authorize and request the therapist to report to the department monitor any reasonable suspicion that respondent is unable to practice with skill and safety to patient and public, and any other unprofessional conduct or negligence known to the practitioner. Such records shall be released to the Board or department upon request.
9. Respondent shall notify the department monitor of his full home and work mailing addresses and telephone numbers forthwith, and upon any change within 5 days of such change.

IT IS FURTHER ORDERED, that respondent shall pay the COSTS of this matter, in the amount of \$450, 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 or the Stipulation, the Board may order that the license of respondent be summarily suspended pending investigation of the alleged violation.

Dated this ~~January 23~~, 1997. February 26, 1997

WISCONSIN MEDICAL EXAMINING BOARD

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

RICHARD F. SORENSEN, M.D.,
RESPONDENT.

STIPULATION
96 MED 341

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 obtained legal advice before signing this Stipulation.

4. Respondent denies that his conduct has been unprofessional conduct as defined by the statutes and code, but in order to avoid the expense and uncertainties of litigation, agrees to the adoption of the attached Final Decision and Order by the Board, and that the facts known to the parties justify the outcome to be ordered 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, and to collaterally attack the order in any forum at any time.

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 Board 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. This is standard department procedure and in no way specially directed at Respondent.

Richard J. Sorum, M.D. Feb. 7, 1997
Respondent Date

Michael S. Weiden
Michael S. Weiden, Attorney for Respondent Date

Arthur Heston 2/13/97
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 February 26, 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: \$450.00 Case #: 96 MED 341

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 450.00

The costs and/or forfeitures are due: March 28, 1997

NAME: Richard F. Sorensen LICENSE NUMBER: 11965

STREET ADDRESS: 205 Valley Avenue

CITY: West Bend STATE: WI ZIP CODE: 53095

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:

See payment plan above.

Make checks payable to:

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

For Receipting Use Only

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

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

In the Matter of the Disciplinary Proceedings Against

Richard F. Sorensen, 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 March 3, 1997, I served the Final Decision and Order dated February 26, 1997, and Guidelines for Payment of Costs and/or Forfeitures upon the Respondent Richard F. Sorensen's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney 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 201 374 037.

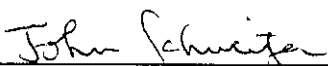
Michael S. Weiden, Attorney
One S. Pinckney Street
P.O. Box 2113
Madison WI 53701-2113



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 3rd day of March, 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:

March 3, 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.)