

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 :

ROLF F. KRUSE, MD,
RESPONDENT :

FINAL DECISION AND ORDER
97 MED 388

LS 9802253MED

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Rolf F. Kruse, MD
615 Grant Avenue
Waterloo, IA 50702

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. Rolf F. Kruse, MD, (D.O.B. 07/13/26) is duly licensed in the state of Wisconsin to practice medicine and surgery (license #11168). This license was first granted on August 21, 1951.

2. Respondent's latest address on file with the Department of Regulation and Licensing is 615 Grant Avenue, Waterloo, IA 50702.

3. On or about July 10, 1997, the Iowa Board of Medical Examiners took adverse action against the Iowa license of Respondent to practice medicine in that state. True and

correct copies of the Iowa Order and supporting documentation are attached and incorporated by reference into this document as Exhibit A.

4. Respondent consents to the issuance of the following Conclusions of Law and Order in resolution of this matter

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter, pursuant to ch. 448, Stats.

2. The Wisconsin Medical Examining Board is authorized to enter into the attached stipulation, pursuant to sec 227.44(5), Stats.

3. The conduct described above constitutes a basis for discipline under sec. 448.02(3), Stats, and Wis. Admin. Code § Med 10.02(2)(a) and (q).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Medical Examining Board ACCEPTS the SURRENDER of the license of Rolf F. Kruse (license #11168) to practice as a Medical Doctor in the State of Wisconsin.

IT IS FURTHER ORDERED that should Dr. Kruse 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 Wanda Loefer
A Member of the Board

February 25, 1998
Date



TERRY E. BRANSTAD, GOVERNOR

BOARD OF MEDICAL EXAMINERS
ANN M. MARTINO, PH.D., EXECUTIVE DIRECTOR

CERTIFICATION

STATE OF IOWA
Polk County, ss.

I, Kari Rolls, Administrative Assistant for the Iowa Board of Medical Examiners (the Board), having legal custody of the disciplinary records of the Board, hereby certify that the attached are true copies of documents on file in the office of the Board relating to a medical licensure disciplinary action taken against Rolf F. Kruse, M.D.

Kari Rolls
Administrative Assistant
Iowa Board of Medical Examiners

December 5, 1997

f:\medall\doc-cert

Exhibit A

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST
ROLF F. KRUSE, MD, RESPONDENT

No. 02-97-091

INFORMAL SETTLEMENT

COMES NOW the Iowa Board of Medical Examiners (the Board) and Rolf F. Kruse, MD (the Respondent), and pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into the following Informal Settlement of the contested case currently on file against the Respondent:

- 1) The Respondent was issued license number 14386 to practice medicine and surgery in Iowa on July 5, 1951.
- 2) A Statement of Charges was filed against the Respondent on June 18, 1997. The Statement of Charges awaits hearing.

INFORMAL SETTLEMENT
Rolf F. Kruse, MD
No. 02-97-091

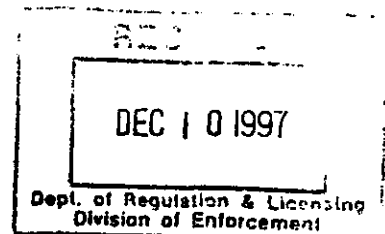
3) The Board has jurisdiction over the parties and subject matter of the Statement of Charges.

4) The Respondent acknowledges that if this matter proceeded to hearing, the State would present evidence to substantiate the allegations contained in the Statement of Charges.

5) Not more than ten (10) days following the date of the Board's approval of this Informal Settlement, the Respondent shall surrender his Iowa medical license. The license surrender shall be pursuant to the provisions of Iowa Code section 148.8.

6) By entering into this Informal Settlement, the Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges and waives any objections to the terms of this Informal Settlement.

7) This Informal Settlement constitutes resolution of a contested case proceeding and is subject to approval by the Board. If the Board does not approve this Informal Settlement it shall be of no force or effect to either party.



INFORMAL SETTLEMENT
Rolf F. Kruse, MD
No. 02-97-091

8) The Board's approval of this Informal Settlement shall constitute a
FINAL ORDER of the Board.

Rolf F. Kruse MD
Rolf F. Kruse, MD, Respondent

Subscribed and sworn to before me on June 24, 1997.

Mignon J. Schumacher
Notary Public, State of Iowa

Informal Settlement approved by the Board on July 10, 1997.

Teresa A. Mock MD
Teresa A. Mock, MD, Chairperson
Iowa Board of Medical Examiners

c Theresa O'Connell Weeg, Esq., Assistant Attorney General
Presiding Administrative Law Judge
Investigator

BJJ/* 06-18-97

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BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE LICENSURE DISCIPLINE OF

ROLF F. KRUSE, MD, LICENSEE

No. 02-96-340

**STATEMENT OF CHARGES
&
INFORMAL SETTLEMENT
(combined)**

COMES NOW the Iowa Board of Medical Examiners (the Board), and Rolf F. Kruse, MD (the Licensee), and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following Statement of Charges and Informal Settlement.

STATEMENT OF CHARGES

1. The Licensee was issued license number 14386 to practice medicine and surgery in Iowa on July 5, 1951. The license is valid and will next expire on July 1, 1998.
2. On or about August 8, 1996, the Board and the Licensee entered into an agreement which placed the Licensee's Iowa medical license on probation under certain terms and conditions. One of the terms of probation was a prohibition against the Licensee's consumption of alcohol.
3. On or about September 30, 1996, the Licensee consumed alcohol in violation of the terms of his medical license probation.

4. Accordingly pursuant to applicable Iowa statutes and Administrative Code rules, the Board is authorized to impose discipline against the Licensee.

INFORMAL SETTLEMENT

5. The Board has jurisdiction over the parties and subject matter herein.

6. The Licensee admits the allegations of the Statement of Charges.

7. Beginning immediately upon the Board's approval of this Statement of Charges and Informal Settlement the Licensee's Iowa medical license shall be on indefinite probation under the following terms and conditions:

a) The Licensee shall enroll in an outpatient substance abuse treatment program approved by the Board. The Licensee shall abide by all program rules and regulations and follow all program recommendations. The Licensee shall continue in the treatment program until he has been discharged from further treatment and until the discharge has been approved by the Board.

b) The Licensee shall not consume alcohol.

c) The Licensee shall not use any controlled or prescription drug in any form unless the controlled or prescription drug has been prescribed for the Licensee's use by another duly licensed, qualified and treating health care provider. The Licensee shall inform any such health care provider of his history of problematic alcohol use prior to accepting any prescriptions for controlled or prescription drugs.

d) The Licensee shall provide witnessed blood or urine specimens on demand by an agent of the Board. The specimens shall be used for alcohol and drug screening, all costs of which shall be paid by the Licensee.

e) The Licensee shall, within thirty (30) days of the date of the Board's approval of this Informal Settlement, submit to the Board the names and curriculum vitae of three physicians or counselors. The Board may approve one of the three to supervise the Licensee's compliance with the terms of and conditions of probation. As a condition of approval the physician or counselor shall agree to provide written quarterly reports to the Board concerning the Licensee's compliance with the terms and conditions of probation. The reports shall be filed with the Board not later than January 20, April 20, July 20 and October 20 of each year of the Licensee's probation.

f) The Licensee shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Informal Settlement. The reports shall be filed not later than January 10, April 10, July 10 and October 10 of each year of the Licensee's probation.

g) The Licensee shall attend at least one (1) meeting of AA weekly. The Licensee shall append to each quarterly report referred to paragraph 7-f herein, statements signed or initialed by another person in attendance at the meetings attesting to the Licensee's attendance. The statement shall include the time, date and location of the meetings attended.

h) The Licensee shall make appearances before the Board or a Board committee annually or upon request. The Licensee shall be given reasonable notice of the date, time and location for the appearances.

i) The Licensee shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

8. Within thirty (30) days of the date of the Board's approval of this Informal Settlement the Licensee shall pay a \$2500.00 civil penalty by delivering a check or money order,

payable to the Iowa State Treasurer, to the Executive Director of the Board. The civil penalty shall be deposited into the state general fund.

9. The Licensee shall receive a letter of Citation and Warning. [Copy attached]

10. In the event the Licensee leaves Iowa to reside or to practice outside the state, the Licensee shall notify the Board in writing of the dates of departure and return. Evidence that the Licensee has failed to abide by the terms of subparagraphs 7-c, 7-d or 7-i of this Informal Settlement while outside the state shall constitute a violation thereof.

11. In the event the Licensee violates or fails to comply with any of the terms or conditions of this Informal Settlement, the Board may initiate action to revoke or suspend the Licensee's Iowa medical license or to impose other license discipline as authorized in Iowa Code chapters 272C and 148 and 653 IAC 12.2.

12. Upon full compliance with the terms and conditions of this Informal Settlement and upon further order of the Board, the Licensee's Iowa medical license shall be restored to its full privileges free and clear of the terms of probation.

13. This Statement of Charges and Informal Settlement is subject to approval of the Board. If the Board fails to approve this Statement of Charges and Informal Settlement, it shall be of no force or effect to either party.

14. This Statement of Charges and Informal Settlement is voluntarily submitted by the Licensee to the Board for consideration. By entering into this agreement the Licensee waives any rights to a contested case hearing on the allegations contained in the Statement of Charges. The Licensee also waives any objections to the terms and conditions of the Informal Settlement.

15. The Board's approval of this Statement of Charges and Informal Settlement shall constitute the resolution of a contested case proceeding and shall be a **FINAL ORDER** of the Board.

Rolf F. Kruse MD
Rolf F. Kruse, MD, Licensee

Subscribed and sworn to before me on 3 February, 1997.

Marna Or Schumacher
Notary Public, State of Iowa

This Statement of Charges and Informal Settlement is approved by the Board on January 23, 1997.

Laura J. Stensrud
Laura J. Stensrud, Vice Chairperson
Iowa Board of Medical Examiners

c: Theresa O'Connell Weeg, Esq., Assistant Attorney General
David L. Brown, Esq., Attorney for Licensee

DMC/* 01-12-97

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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST :	:	
	:	STIPULATION
ROLF F. KRUSE, MD	:	97 MED 388
RESPONDENT	:	

It is hereby stipulated between Rolf F. Kruse, MD 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. Kruse's licensure by the Division of Enforcement (97 MED 388). Dr. Kruse consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Dr. Kruse 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 Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and the Americans with Disabilities Act of 1990.
3. Dr. Kruse 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. Kruse 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.

6. Attached to this Stipulation is the current licensure card of Rolf F. Kruse. If the Board does not accept this Stipulation, the license of Dr. Kruse shall be returned to him with a notice of the Board's decision not to accept the Stipulation.

7. 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.

8. 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 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.

9. The Division of Enforcement joins Dr. Kruse in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Rolf F. Kruse MD
Rolf F. Kruse, MD

2-13-98
Date

Steven M. Gløe
Steven M. Gløe, Attorney
Division of Enforcement

2-17-98
Date

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

In the Matter of the Disciplinary Proceedings Against

Rolf F. Kruse, MD,

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 2, 1998, I served the Final Decision and Order dated February 25, 1998, LS9802253MED, upon the Respondent Rolf F. Kruse, MD by enclosing a true and accurate copy of the above-described document 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 221 158 798.
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:

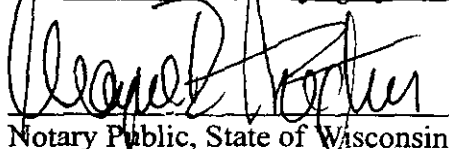
Rolf F. Kruse, MD
615 Grant Avenue
Waterloo IA 50702



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 2nd day of March, 1998.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: ROLF F KRUSE MD

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 3/2/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

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

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD
1400 East Washington Avenue
P.O. Box 8935
Madison WI 53708-8935