

# 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

ROGER GREMMINGER, M.D.,  
RESPONDENT.

FINAL DECISION AND ORDER

LS9804222MED

Division of Enforcement  
93 MED 341

The parties to this proceeding for purposes of sec. 227.53, Stats., are:

Roger Gremminger, M.D.  
N72W13791 Good Hope Road  
Menomonee Falls, WI 53051-4625

Wisconsin Medical Examining Board  
1400 E. Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
1400 E. Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Roger Gremminger, M.D., personally, and by Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Roger Gremminger, M.D., N72W13791 Good Hope Road, Menomonee Falls, Wisconsin, 53051-4625, was born on 2/24/47, and has been licensed and currently registered to practice medicine and surgery in the state of Wisconsin since 1/20/78, licensee #21393.
2. Dr. Gremminger specializes in emergency medicine.

3. On 2/8/93, the patient, J.W., presented at the hospital emergency room complaining of lower back pain and numbness in his legs. Dr. Gremminger was the emergency room physician who evaluated and treated the patient. The patient reported a history of chronic back pain which had increased markedly over the preceding weekend. The patient had developed a buzzing sensation in his right leg. The patient also had a history of heart problems and was taking Coumadin. The patient reported that his Coumadin dose had been increased approximately 3 weeks previously. The patient had not noticed any blood in his stool or urine. Dr. Gremminger ordered a prothrombin time which was reported as 18.9 with an International Normal Ratio of 4.01. While in the emergency room, the patient was given 10 mg of Nubain, IM. The Nubain did not provide sufficient analgesia so the patient was given an injection of 75 mg of Demerol and 50 mg of Vistaril. Dr. Gremminger made a diagnosis of chronic low back pain with mild acute exacerbation. Dr. Gremminger discharged the patient by wheelchair with a prescription for 12 Percodan and recommended that the patient seek follow-up with his neurologist.

4. The patient's back pain and numbness in his legs persisted and on 2/9/93, the patient presented at Sinai Samaritan Hospital where the patient was diagnosed with cauda equina syndrome secondary to an epidural hematoma at L2-3 which was probably the consequence of the anticoagulant therapy being administered to the patient.

5. Dr. Gremminger did not appreciate the significance of the sudden change in the patient's symptoms as reported to him by the patient. Dr. Gremminger did not take an adequate history to permit him to fully assess the patient's complaint of numbness in his legs and the buzzing sensation in his right leg. Dr. Gremminger did not perform a sufficient physical examination to permit him to fully evaluate the patient's condition in that he did not conduct a complete sensory examination or a complete evaluation of the muscle strength of the hip, thigh extensors and flexors and calf muscles. Dr. Gremminger failed to recognize that a prothrombin time of 18.9 with an International Normal Ratio of 4.01 put the patient at increased risk of a bleed including a bleed into the spinal column that could account for the patient's presenting symptoms.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to sec. 448.02, Stats.

2. The Wisconsin Medical Examining Board has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.

3. Dr. Gremminger's conduct as set forth in paragraph 5 of the Findings of Fact was conduct in violation of sec. 448.02(3), Stats., and Wis. Admin. Code sec. MED 10.02(2)(h).

4. The Wisconsin Medical Examining Board has the authority pursuant to sec. 440.22, Stats., to assess the costs of this proceeding against Dr. Gremminger.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that Roger Gremminger, M.D., license #21393, is REPRIMANDED.

IT IS FURTHER ORDERED that Roger Gremminger, M.D. will attend 40 hours of Category I continuing medical education courses distributed as follows:

1. A minimum of 10 hours of Category I continuing medical education courses on the subject of anticoagulant therapy. The courses taken in satisfaction of this requirement will include information on the contraindications, complications and risks of anticoagulant therapy.
2. A minimum of 30 hours of Category I continuing medical education courses on the subject of central nervous system diseases and injuries. The courses taken in satisfaction of this requirement will include information on the evaluation of acute back pain, spinal cord and spinal column injuries, spinal cord and spinal column diseases and paralysis.

Each course attended in satisfaction of this Order must be preapproved by the Wisconsin Medical Examining Board or its designee. Dr. Gremminger will be responsible for locating courses satisfactory to the Wisconsin Medical Examining Board and for obtaining the required preapproval of the courses from the Wisconsin Medical Examining Board or its designee. Dr. Gremminger will complete this educational requirement within one year of the date of this Final Decision And Order. Dr. Gremminger will within 60 days of completion of this educational requirement submit an affidavit to the Wisconsin Medical Examining Board stating under oath that he has attended in its entirety each of the courses approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations. This affidavit and the supporting documentation of attendance will be mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935

Dr. Gremminger will be responsible for the full cost of this educational program.

IT IS FURTHER ORDERED that Roger Gremminger, M.D. will not apply any continuing medical education credits earned in satisfaction of this Order toward satisfaction of his sec. 448.13, Stats., biennial training requirements.

IT IS FURTHER ORDERED that Roger Gremminger, M.D. will pay the costs of this proceeding in the amount of \$300.00 to the Department of Regulation And Licensing, 1400 East

Washington Avenue, Madison, Wisconsin, 53708-8935, within 30 days of the date of this Final Decision And Order.

IT IS FURTHER ORDERED that Roger Gremminger, M.D. will appear before the Medical Examining Board, if an appearance is requested by the Board, at the conclusion of the educational program to establish that he has complied with all of the terms of this Final Decision and Order.

IT IS FURTHER ORDERED that pursuant to sec. 448.02(4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Dr. Gremminger has violated the terms of this Final Decision And Order of the Wisconsin Medical Examining Board, the Board may order that the license of Dr. Gremminger to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Final Decision And Order to petition the Wisconsin Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 22 day of April, 1998.

WISCONSIN MEDICAL EXAMINING BOARD

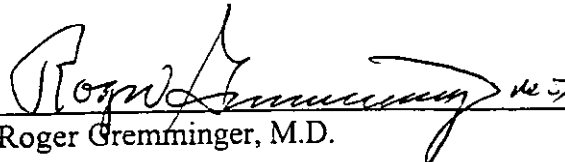
*Wanda Laever*  
Member, Wisconsin Medical Examining Board

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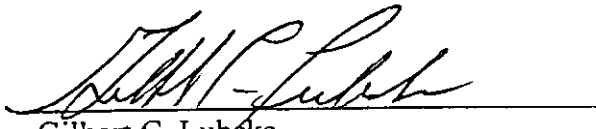


7. If any term of this Stipulation or the incorporated Final Decision And Order is not approved by the Case Advisor and by the Supervisor of Attorneys, and accepted by the Wisconsin Medical Examining Board, then no term of this Stipulation or the Final Decision And Order will be binding in any manner on any party, and the matter will be returned to the Division of Enforcement for further proceedings.

Dated: April 6, 1998

  
Roger Gremminger, M.D.

Dated: April 9, 1998

  
Gilbert C. Lubeke  
Attorney for the Department of Regulation  
and Licensing, Division of Enforcement

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# 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 April 22, 1998, 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: \$300.00 Case #: LS9804222MED

The amount of the forfeiture is: \_\_\_\_\_ Case # \_\_\_\_\_

Please submit a check or a money order in the amount of \$ 300.00

The costs and/or forfeitures are due: May 22, 1998

NAME: Roger Gremminger LICENSE NUMBER: 21393

STREET ADDRESS: N72W13791 Good Hope Road

CITY: Menomonee Falls STATE: WI ZIP CODE: 53051-4625

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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## NOTICE OF RIGHTS OF APPEAL

TO: ROGER GREMMINGER 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 4/24/98. 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