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STATE OF WISCONSIN

BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF

DISCIPLINARY PROCEEDINGS AGAINST

JAMES R. RUSCH, M.D.,

RESPONDENT.

FINAL DECISION AND ORDER

LS9909234MED

97 MED 393

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

*James R. Rusch, M.D.
2365 Woodmoor Lane
Brookfield, WI 53045*

*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 , James R. Rusch (dob 10/25/51) 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 # 23224, first granted on July 11, 1980. Respondent engages in the practice of hospital anesthesiology, with a specialty in pain management, and does not maintain a private clinic practice.
2. During the period 1993 through 1998, Respondent administered occasional health care services to patients SW, NF, BR, PP, PG and JS without maintaining any patient health care records, in violation of Wis. Adm. Code, ch. MED 21.
3. Respondent issued prescription orders for prescription drugs and controlled substances to the patients without noting the same in a patient health care record as follows:

Vicodin and diazepam to SW, a friend, for relief of back pain,

Slo-bid to NF, a friend, as a bronchodilator,

Ambien to BR, spouse, for post- operative insomnia,

Ciprofloxacin to JS, a friend, as an anti-infection agent,

Fiorinal and trazedone for migraine, zantac for gastrointestinal complaint, clonazepam

for panic attack, and promethazine with codeine and acetaminophen with codeine for persistent cold, to PP, a nurse co-worker.

Unknown to Respondent, PP was obtaining controlled substances from at least two other physicians at the same time, and was chemically dependent.

CONCLUSIONS OF LAW

4. 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.

5. The conduct described above violated § Med 10.02(2) (za), 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 James R. Rusch, M.D. is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that the license and registration of Respondent to practice as a physician and surgeon in Wisconsin is LIMITED as follows: no later than March 31, 2000, Respondent shall take and satisfactorily pass a 40 hour course in Proper Prescribing of Controlled Dangerous Substances sponsored by the Forensic and Educational Consultants of Margate, N.J., or an equivalent course which has been approved in advance by the Board. Respondent shall be responsible for all costs associated with the completion of this educational requirement. Respondent shall arrange for the course sponsor to report directly to the Department Monitor, at P.O. Box 8935, Madison, WI 53708-8935, telephone (608) 267 7139. Respondent shall authorize release of all records of attendance and performance during the course to the Department Monitor and the Board.

IT IS FURTHER ORDERED, that Respondent shall pay the cost of investigation and prosecution of this action in the sum of \$ 400.00 , within 30 days of the date 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 23rd day of September, 1999.

WISCONSIN MEDICAL EXAMINING BOARD, by:

by: Ronald Grossman, M.D.

Secretary