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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
PAUL J. RUSSO, D.O.,	:	LS0405201MED
RESPONDENT.	:	

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

Paul J. Russo, DO
1240 13th St. N
Wisconsin Rapids, WI 54494

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 Paul J. Russo (dob 12/3/58) is a physician and surgeon licensed in the State of Wisconsin pursuant to license #45137, first granted on 11/14/02. Respondent is an emergency physician.
2. On 10/2/02, respondent issued a prescription for Prozac Weekly® for B.N., a minor daughter of L.N. At the time this patient was being prescribed Paxil® on a daily basis by her treating physician. Respondent did not have a valid physician-patient relationship with B.N., did not have a valid reason for changing B.N.'s prescription, did not consult with B.N.'s treating physician before issuing the prescription, did not promptly notify B.N.'s treating physician that he had issued it, and did not maintain a patient health care record for B.N. meeting the requirements of ch. Med 21, Wis. Adm. Code.
3. In November and December, 2002, respondent possessed ketamine, a schedule III controlled substance, without : prescription from another practitioner, without medical purpose, and therefore without lawful authority.
4. On 12/12/02, respondent issued a prescription for clonazepam, a controlled substance, to L.N., a former girlfriend without having and maintaining a patient health care record which met the requirements of ch. Med 21, Wis. Adm. Code, for the patient.
5. Respondent has, in Wisconsin, prescribed an anti-depressant for his child, a teenager, without having and maintaining a patient health care record which met the requirements of ch. Med 21, Wis. Adm. Code.
6. On 5/4/03, respondent injected the shoulder of, and prescribed clonazepam (a Schedule IV controlled substance) and two other prescription-only products for, S.G., his girlfriend, without having and maintaining a patient health care record which met the requirements of ch. Med 21, Wis. Adm. Code.

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 ¶2, above, violated § Med 10.02(2)(h) and (za), Wis. Adm. Code. The conduct described in ¶3, above, violated § Med 10.02(2)(p) and (z), Wis. Adm. Code. The conduct described in ¶4, above, violated § Med 10.02(2)(h), (p), and (za), Wis. Adm. Code. The conduct described in ¶5, above, violated § Med 10.02(2)(h) and (za), Wis. Adm. Code. The conduct described in ¶6, above, violated § Med 10.02(2)(h), (p), and (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 Paul J. Russo, D.O., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that the license to practice medicine and surgery of respondent is SUSPENDED for seven days, effective September 15, 2004.

IT IS FURTHER ORDERED, that respondent's license is LIMITED as provided in §448.02(3)(e), Wis. Stats., and as follows: respondent shall not treat, or prescribe any medication for, himself, any member of his immediate family, or any member of his household, except as needed in an emergency. Respondent may petition for the removal of this limitation from his license after one year of continuous satisfactory practice under this limitation.

IT IS FURTHER ORDERED, that the license to practice medicine and surgery of respondent is LIMITED as provided in §448.02(3)(e), Wis. Stats., and in the following respect: respondent shall, no later than 12/31/04, take and satisfactorily complete the University of Medicine and Dentistry of New Jersey course "PRIM-E: Professional Renewal in Medicine through Ethics." Respondent may propose any other course which is a reasonable equivalent, but any such alternative shall require pre-approval of the Board or its designee. Respondent shall arrange for the course sponsors to report directly to the Board or its designee, and release all records of his enrollment, participation, and evaluations to the Board or its designee; he shall also authorize the Board or its designee to discuss all aspects of respondent's participation and performance directly with course staff. If respondent fails to provide evidence of satisfactory completion of the course and to authorize all communication as required by this paragraph, respondent's license shall be suspended by staff without further action of the Board, effective 1/1/05, and such suspension shall continue until evidence of satisfactory completion and satisfactory authorization are received.

IT IS FURTHER ORDERED, that respondent shall pay the COSTS of investigating and prosecuting this matter of \$6,900, before his registration is next renewed.

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 August 18th, 2004.

WISCONSIN MEDICAL EXAMINING BOARD

Alfred Franger
A Member of the Board