

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
:
:
PAUL H. WURST, M.D., : LS0510124MED
RESPONDENT. :
:

05 MED 53

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

Paul H. Wurst, M.D.
3646 Preserve Blvd.
Panama City Beach, FL 32408

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

PROCEDURAL HISTORY

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 Medical Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Paul Henry Wurst, M.D., was born on September 11, 1959, and is duly licensed as a physician in the State of Wisconsin, license # 28715, which was originally granted on July 7, 1987. Respondent's Wisconsin license has been inactive since July 7, 2004, and could be activated at any time by payment of the appropriate fee. Respondent is also licensed as a physician in the State of Florida, license # ME 55057. Since 1998, Respondent has resided in Florida and has only practiced medicine in Florida. Respondent is certified by the American Board of Psychiatry & Neurology with a subspecialty certificate in child and adolescent psychiatry.

2. Respondent's most recent address on file with the Department of Regulation & Licensing is 3646 Preserve Blvd., Panama City Beach, FL 32408.

3. On August 17, 2004, the Florida Board of Medicine entered a Final Order of discipline adopting a consent agreement reached between the Respondent and the Florida Department of Health. The agreement provided for a letter of concern, imposed an administrative fine of \$5,000, required Respondent to pay administrative costs of \$3,777.93, and required that he perform 50 hours of community service and obtain 8 hours of CME in risk management. Respondent timely complied with all of the requirements of the Final Order and his license in Florida is now free and clear of any encumbrances.

4. The factual allegations bringing the Respondent before the Florida Board of Medicine were that Respondent had inappropriately prescribed OxyContin®, Valium®, and Limitrol® to a 52 year old male patient who had presented at Respondent's office for psychiatric evaluation. The patient had a history of chronic back pain, depression, and had been recently hospitalized for suicidal ideation. Respondent diagnosed the patient with depressive disorder and chronic pain syndrome. The patient was not thought to be at imminent risk of suicide. The patient was requesting renewal of his pain medications and after examination, Respondent provided a one time prescription with no renewal for Celexa®, OxyContin®, Valium®, and Limitrol® with a follow-up appointment in his office in 30 days and referral to a pain management specialist or neurologist for evaluation and treatment of the patient's chronic pain. The patient was found dead three days later. Subsequent autopsy revealed the patient to have multiple substances in his blood including marijuana, cocaine, methadone, and the metabolites of the substances prescribed by Respondent; the official cause of death was "Intoxication by Combined Effects of Benzodiazepines, Methadone, and Oxycodone."

5. A true and correct copy of Florida's Consent Agreement and Administrative Complaint are attached to this document as Exhibit A. Exhibit A is incorporated into this document by reference.

CONCLUSIONS OF LAW

A. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.02(3) and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

B. Respondent's conduct as described in ¶ 3, above, violated Wis. Adm. Code § MED 10.02(2)(q). Such conduct constitutes unprofessional conduct within the meaning of the code and statutes.

ORDER

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

IT IS FURTHER ORDERED that:

1. Paul H. Wurst, M.D. is REPRIMANDED.

2. Respondent shall, within sixty (60) days from the date of this Order, pay COSTS of this proceeding in the amount of \$700. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

3. In the event Respondent fails to timely fails to pay costs the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

4. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD:

By: Alfred L. Franger, MD
A Member of the Board

October 12, 2005
Date