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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
THE LICENSE OF

PAUL J. RUSSO, D.O.

ORDER DENYING MOTION TO
RECONSIDER

Petitioner.

LS 0405201 MED

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On February 15, 2006, the petitioner appeared before the Medical Examining Board with his attorneys, in support of a Motion to Reconsider Order of December 16, 2005.

PROCEDURAL HISTORY

On August 18, 2004, the Medical Examining Board disciplined the petitioner's medical license for unprofessional conduct. The basis for the discipline was the petitioner's prescribing of controlled substances for a minor without having a valid patient-physician relationship and without a valid reason for changing her prescription. The Board's order indicated that the petitioner also failed to consult with or notify the minor's physician and that he failed to maintain a patient health care record for the minor. In addition, the petitioner was disciplined for prescribing and administering controlled substances for his girlfriend without maintaining a patient health record and for being in possession of a Schedule III Controlled Substance (Ketamine) without a prescription and without medical purpose. The Board reprimanded the petitioner and suspended him from practice for a period of seven (7) days. The Board ordered that petitioner satisfactorily complete a specified medical ethics course no later than 12/31/04 and provided that if he failed to satisfactorily complete the course, his medical license would be suspended and such suspension shall continue until evidence of satisfactory completion was received. The Board further limited the petitioner's license by requiring that he refrain from treating or prescribing any medication for himself or any member of his immediate family or any member of his household, except in an emergency. The Board order provided that after one (1) year of continuous satisfactory practice under this limitation the petitioner may petition for removal of this limitation.

On March 17, 2005, the petitioner's medical license was suspended by the Board upon receipt of information showing that he had failed the required ethics course. On December 14, 2005, the petitioner appeared before the Board to request reinstatement of his medical license. The petitioner presented information showing that he had taken another ethics course from a different provider and had passed. The petitioner did not submit any information regarding his completion of the practice limitation or request removal of that limitation.

On December 16, 2005, the Board issued an order lifting the suspension of petitioner's license and reinstating his license as limited until such time as he satisfied the limitation on self-prescribing and prescribing for his immediate family or members of his household. The Board order stated that the petitioner may not petition for full reinstatement until after one (1) year of continuous satisfactory practice under this limitation, which was consistent with the requirements of his 2004 Board order.

On January 18, 2006, the petitioner submitted a motion for reconsideration to the Board requesting that the Board vacate the December 16, 2005 order and grant full reinstatement of his Wisconsin medical license without limitation. Based upon the written and oral information presented by petitioner, including evidence of self-prescribing and prescribing for a family member during his medical practice in the state of Indiana, the Board finds and enters the following:

ORDER

NOW, THEREFORE, IT IS ORDERED that the above-referenced Motion to Reconsider the Board Order of December 16, 2005, is DENIED.

The petitioner has not presented evidence of one (1) year of continuous satisfactory practice under the limitations on his Wisconsin medical license. From March 17, 2004 until December 16, 2005, the petitioner's medical license in Wisconsin was suspended.

The December 16, 2005 Board order is hereby AFFIRMED and petitioner's license shall remain in LIMITED status until he complies with his Board order requirement prohibiting self-prescribing and prescribing for any member of his immediate family or any member of his household except as needed in an emergency, for a period of one (1) year of continuous satisfactory practice under this limitation.

This Order is effective upon the date signed below.

WISCONSIN MEDICAL EXAMINING BOARD

Sujatha Kailas, M.D.
Secretary of the Board

3/1/06
Date