

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	<b>FINAL DECISION AND ORDER</b>
	:	
DIANA L. KRUSE, M.D.,	:	LS0601253MED
RESPONDENT.	:	

05 MED 149/257

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

Diana L. Kruse, MD  
208 Phillips Blvd  
Sauk City, WI 53578

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 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

- Respondent Diana L. Kruse (dob 4/21/51) 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 #21754, first granted on 7/14/78. Respondent is an orthoped, and is certified by the American Board of Orthopaedic Surgery. On 11/17/99, Respondent was disciplined by the Board in file 93 Med 37; her license was limited to require that she successfully complete a course in appropriate prescribing of controlled substances and another course in recordkeeping. Her care and treatment of persistent pain patients was subjected to restrictions, and she was required to pay costs. Following her successful completion of the required courses, the limitations were terminated and her unrestricted license was restored on 3/25/03.
- On 10/21/04, an attorney sent a properly complete authorization and a request for records to Respondent, on behalf of a client who had a claim against a third party, together with a promise to pay all copying fees. Respondent did not provide the records. On 3/14/05, the attorney again sent a request to Respondent for the records. Respondent did not provide the records. On 4/5/05, the attorney again sent a request to Respondent for the records; none were provided. On 4/19/05, the attorney again sent a request to Respondent for the records; none were provided. At no time did Respondent contact the attorney or communicate that there was anything deficient about the request or authorization.
- The attorney complained to the Department of Regulation and Licensing, and an investigator was assigned to the case. Upon receiving a call from the investigator, the records were sent to the attorney on 6/13/05, some seven months after the initial request.
- On 12/9/04, a different attorney wrote to Respondent, requesting records on a different patient-client, and enclosing a properly completed authorization for release of the records. Respondent did not provide the records. On 1/17/05, the request was re-sent; Respondent did not provide the records. The attorney's paralegal telephoned Respondent's office on 3/10/05, 3/18/05, 3/22/05 regarding this request; Respondent did not provide the records. On 4/11/05, the request was re-sent via fax; Respondent did not provide the records. On 4/21/05, the request was resent via fax; Respondent did not provide

the records. On 6/14/05, the paralegal again telephoned Respondent's office; Respondent did not provide the records. On 6/20/05, the attorney again wrote to Respondent requesting the records, and stating that she would be reported to the Board if they were not provided. Respondent did not provide the records. At no time did Respondent contact the attorney or communicate that there was anything deficient about the request or authorization.

5. On 7/12/05, the attorney complained about this matter to the Board, with a copy to Respondent. On 8/5/05, Respondent provided the records to the attorney, some eight months after the initial request.

6. Respondent assures the Board that she has hired an additional staff member who is assigned as a primary duty the copying of patient health care records.

### 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 pursuant to Wis. Stats. §227.44(5).

B. The conduct described in ¶2, above, violated Wis. Stat. §146.83(1)(b) and Wis. Adm. Code § Med 10.02(2)(z). 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 Diana L. Kruse, M.D., is REPRIMANDED for her unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent shall pay the COSTS of investigating and prosecuting this matter of \$300 within 30 days of this Order.

IT IS FURTHER ORDERED, that in the event Respondent fails to timely submit any payment of the costs as set forth above, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

Dated this January 25, 2006.

WISCONSIN MEDICAL EXAMINING BOARD

by: Bhupinder Saini MD  
a member of the Board