

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 :

JEFFREY MENN, M.D. :
RESPONDENT. :

FINAL DECISION AND ORDER
LS # 0409161 MED

[Division of Enforcement Case #01 MED 206]

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

Jeffrey Menn, M.D.
318 W. Decker Street
Viroqua WI 54665

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Medical Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
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. Jeffrey Menn, M.D., (“Respondent”) was born on September 28, 1948, and is licensed to practice medicine and surgery in the state of Wisconsin pursuant to license number 20058, first granted on July 15, 1976. Respondent is a pediatrician.
2. Respondent’s most recent address on record with the Medical Examining Board is 318 W. Decker Street, Viroqua, WI 54665.
3. At all times relevant to this proceeding, Respondent was practicing medicine in Viroqua, Wisconsin.
4. Patient Lori S., born December 21, 1962, was injured in a work place incident in August 1993. As a consequence of the injury, she suffered chronic debilitating pain.
5. In 1996, Respondent began treating Patient Lori S. with morphine in a chronic pain outpatient treatment program.

6. As a result of an informal complaint filed with the Department from the attorney representing the employer of Patient Lori S. in a worker's compensation proceeding, Respondent agreed to attend an intensive course in controlled substance management. Respondent attended and successfully completed that program in May, 1998.

7. Respondent began an appropriate modification of therapy for Patient Lori S. from high dose morphine therapy to methadone for control of her chronic debilitating pain following his return from the intensive course in controlled substance management.

8. Respondent concedes that there is sufficient evidence to support the conclusion that Respondent failed to appropriately manage the process of modifying the chronic pain therapy from morphine to methadone in that he did not obtain sufficient consultation with more knowledgeable physicians on the difficult medical procedure of shifting a patient on high dose morphine analgesic therapy to methadone analgesic therapy, and that he planned to accomplish the medication change on an out-patient basis.

9. Respondent concedes that there is sufficient evidence to support a conclusion that Patient Lori S. suffered a series of seizures on August 21, 1998, attributable to the medication regimen prescribed by Respondent, and suffered permanent disabling brain damage.

CONCLUSIONS OF LAW

1. 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).

2. The conduct described in paragraphs 7 - 9, above, constitutes a violation of Wisconsin Administrative Code § MED 10.02(2)(h).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Jeffrey Menn, M.D., is REPRIMANDED.
2. It is further ordered that the license previously granted to Jeffrey Menn, M.D., is LIMITED by the conditions that
 - a. he may not oversee a chronic pain treatment program for any patient, and
 - b. he may not prescribe any Schedule II, III, or IV analgesics to any patient except for acute pain control for a period of two weeks or less in any eight week period.
3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.
4. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By: Gene Musser MD
A Member of the Board

4/18/07
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST
JEFFREY F. MENN M.D.

:
:
: ORDER REGARDING
: MOTION FOR
: PARTIAL SUMMARY JUDGMENT/
: ORDER TO DISMISS
:
:
: Case No. LS-0409161-MED

RESPONDENT

PARTIES

Stephen O. Murray
Otjen, Van Ert, Lieb & Weir, S.C.
450 Science Drive
Suite 110
Madison, WI 53711

James E. Polewski
Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708

The Wisconsin Medical Examining Board has reviewed the proposed ruling, dated July 27, 2006, ruling on the respondent's motion for partial summary judgment and motion to dismiss prepared by the administrative law judge. Having reviewed the ruling and the factual basis therefore, the Wisconsin Medical Examining Board adopts the proposed order for the reasons set forth therein.

NOW, THEREFORE, IT IS ORDERED:

1. The respondent's motion for partial summary judgment is granted.
2. The respondent's motion to dismiss is granted, and paragraphs 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 and 53 of the amended complaint are dismissed.

Dated:

Member of the Board

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST
JEFFREY F. MENN M.D.

:
:
: MEMORANDUM OF DECISION
: ON MOTION FOR
: PARTIAL SUMMARY JUDGMENT/
: PROPOSED ORDER TO DISMISS

RESPONDENT

:
:
: Case No. LS-0409161-MED

PARTIES

Stephen O. Murray
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450 Science Drive
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The respondent's motion for partial summary judgment and motion to dismiss was heard on June 13, 2006. Appearing were Stephen O. Murray, attorney for the Respondent, and James E. Polewski, attorney for the Division of Enforcement. The motion sought dismissal of any and all claims against the respondent that he failed to appropriately manage Lori S.'s, airway during her hospitalization at Vernon Memorial Hospital on August 19, 20 and 21 of 1998.

FINDINGS OF FACT

1. By stipulation of the parties, it was agreed that paragraphs 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 and 53 of the amended complaint would be dismissed. (RT p. 4)
2. No substantial evidence exists to find that Dr. Menn fell below the standard of treatment that a minimally competent physician would have utilized to manage Lori S.'s, airway during her hospitalization at Vernon Memorial Hospital on August 19, 20 and 21 of 1998, or that Dr. Menn's treatment posed unacceptable risks that a minimally competent physician would have avoided or minimized.

CONCLUSIONS OF LAW

1. The respondent did not fail to appropriately manage Lori S.'s airway during her hospitalization at Vernon Memorial Hospital on August 19, 20 and 21 of 1998, in violation of Wis. Admn. Code § Med 10.02 (2) (h).

ORDER

1. The respondent's motion for partial summary judgment is granted.
2. The respondent's motion to dismiss is granted, and paragraphs 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 and 53 of the amended complaint are dismissed.

Dated: July 27, 2006

William Anderson Black
Administrative Law Judge