

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**  
: :  
DEEP K. VARMA, M.D. : LS0709194MED  
RESPONDENT. :

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Division of Enforcement Case #06 MED 284

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

Deep K. Varma, M.D.  
673 Harvest Ln.  
Verona, WI 53593

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 prosecutor and Respondent in this matter agreed 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 now reviewed this Stipulation, and approves it.

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

**FINDINGS OF FACT**

1. Respondent Deep Kumar Varma (dob 12/27/67) 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 #45600, first granted on 5/9/03. Respondent is a child psychiatrist, and is certified by The American Board of Psychiatry & Neurology, in psychiatry. Respondent is also licensed in Pennsylvania. At the times cited below, Respondent was a staff physician at Rogers Memorial Hospital, Oconomowoc, Wisconsin.
2. Respondent did, on at least three occasions, issue a prescription order for Maxalt® to staff nurse L.S., at her request, for migraines. She filled a total of three prescriptions and one refill on 11/13/04, 12/25/04, 2/9/05, 3/25/05, and 4/9/05. L.S. was not a patient of the hospital, and Respondent did not make or keep any patient health care record of the patient encounter.
3. On 6/16/05, Respondent prescribed cyclobenzaprine (Flexeril®) to staff nurse P.S., for recurring neck pain. The prescription was filled 6/16/05, and refills were obtained on 8/1/05 and 11/17/05. Respondent did not make or keep any patient health care record of this patient encounter, and P.S. was not a patient of the hospital. Respondent did not conduct any physical examination of the patient.
4. On 6/5/05, Respondent prescribed Zithromax® to P.R., a member of the clerical staff. P.R. was at work coughing and apparently congested; Respondent approached her and suggested that he prescribe something for her. Respondent did not conduct any examination or history. Respondent did not ask any questions about allergies. Respondent

did not make or keep any patient health care record of this patient encounter, and P.R. was not a patient of the hospital.

5. Respondent prescribed Klonopin® (clonazepam), a controlled substance, to A.S., an intern seeking licensure in an allied profession who was being supervised by Respondent at the hospital. She had described nightmares to him, and he asked her if she wanted something; she went back to him the next day and asked for a prescription; he ordered #14 of the 0.5mg, no refills, BID. Respondent did not make or keep any patient health care record of this encounter, and A.S. was not a patient at the hospital. No adequate history was conducted, and no physical examination was conducted.

6. For each of the following, Respondent issued a prescription order purportedly for S.A., but in fact for his own use. These medications were paid for, except for the co-pay, by S.A.'s third party payor, who relied upon the implied representation that these medications were, in fact, for S.A. and were medically needed by her. In some cases, S.A. presented the order to the pharmacy and then furnished the medication to Respondent, who reimbursed her for the co-pay, and in other cases Respondent picked up the prescription directly from the pharmacy, paying the co-pay directly.

Date	Medication ordered	Number ordered	Dosage instructions	Dispensing pharmacy
11/4/05	Percocet 10/650	10	q8h PRN severe tooth pain	Pick n'Save
1/4/06	Concerta	"1 mo. Supply"	72mg qAM	Pick n'Save
1/4/06	Effexor XR	"1 mo. Supply"	300mg qAM	Pick n'Save
2/3/06	Concerta	"1 mo. supply"	12mg qAM	Walgreen Madison
2/3/06	Effexor XL	"1 mo. Supply"	300mg qAM	Walgreen Madison
3/21/06	Effexor SR	"1 mo. Supply"	300mg qAM	Pick n'Save
3/21/06	Concerta	"1 mo. Supply"	72mg qAM	Pick n'Save
4/20/06	Effexor XR	"1 mo. Supply"	300mg qAM	Pick n'Save
4/20/06	Concerta	"1 mo. Supply"	72mg qAM	Pick n'Save
5/26/06	Effexor XR	"1 mo. Supply"	300mg qAM	Pick n'Save
5/26/06	Concerta	"1 mo. Supply"	72mg qAM	Pick n'Save

Concerta® and Percocet® are schedule II controlled substances.

7. On or about the following dates, Respondent issued prescriptions for the same S.A. described in par. 6, above, who was a co-worker of Respondent's. Respondent did not make or keep any patient health care record of this encounter, and S.A. was not a patient at the hospital.

5/6/04	Zoloft	"3 mos. supply"	200mg qAM	Serve-You
5/6/04	Wellbutrin SR	"3 mos. supply"	200mg BID	Serve-You
9/29/05	BuSpar	180 w/ 3 refills	BID	Serve-You
10/20/05	Zoloft	180 w/ 3 refills	qAM	Serve-You
10/20/05	Wellbutrin XL	90 w/ 3 refills	qAM	Serve-You

8. Respondent's records demonstrate that he is presently receiving appropriate care from his physicians, and that the above does not indicate drug addiction or abuse; he is being prescribed the same or similar medications for legitimate medical purpose, by his current physician. He is presently in a different practice setting, and represents to the Board that he understands that the above conduct was inappropriate, and will not be repeated.

### **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. Stat. § 227.44(5).

B. The conduct described in paragraphs 2-5 and 7, above, violated Wis. Adm. Code § Med 10.02(2)(h), (u), and (za). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

C. The conduct described in paragraph 6, above, violated Wis. Stat. § 961.38(5) and Wis. Adm. Code § Med

10.02(2)(m), (p), and (z). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

**ORDER**

IT IS ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, Deep K. Varma, M.D., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, the license to practice medicine and surgery of Respondent is LIMITED as set forth in Wis. Stat. § 448.02(3)(e), and as follows: no later than 6/30/08, Respondent take and satisfactorily complete one of the following courses listed below. Respondent shall cause the program sponsors to communicate directly with the Department Monitor or other designee of the Board, and shall permit the Board, its designee, and Department staff to confer with the course instructors and program sponsors regarding Respondent's performance in the program.

- a. *Medical Ethics and Professionalism*, Case Western Reserve University, Office of Continuing Medical Education.
- b. *Professional Renewal in Medicine through Ethics*, University of Medicine and Dentistry of New Jersey.
- c. *Professional/Problem Based Ethics (ProBE)*, The Ethics Group LLC, Summit, NJ.

IT IS FURTHER ORDERED, Respondent shall pay costs of \$3,700, to the Department of Regulation and Licensing, within ninety (90) days of this Order. In the event Respondent fails to timely submit any payment of costs, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has paid them in full, with accrued interest.

IT IS FURTHER ORDERED, that pursuant to Wis. Stats. §§ 227.51(3) and 448.02(4), 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. In the event Respondent fails provide satisfactory evidence of timely completion of the ordered continuing education, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied in full with the terms of this Order.

Dated this September 19, 2007.

WISCONSIN MEDICAL EXAMINING BOARD

by: Gene Musser MD  
a member of the Board