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IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : **ORDER OF SUMMARY SUSPENSION**
 :
ROBERT J. WETZLER, M.D., : LS0705161MED
RESPONDENT. :

Division of Enforcement Cases #06 Med 7, 07 Med 47/63/136

This matter came before the Board at its regular and properly noticed meeting on July 18, 2007. The appearances were Arthur Thexton, Prosecuting Attorney, Respondent in person, and Respondent's attorney Sam Leib. The Board heard presentations of the attorneys and Respondent, and reviewed the following: the formal Complaint which has been filed in this matter, the Board's Order of December 20, 2006, concerning Marc L. Smith, D.O., a pad of 31 prescription order forms signed in blank by Respondent.

FINDINGS OF FACT

1. Respondent Robert Joseph Wetzler (dob 3/23/33) 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 #16857, first granted on 7/9/69. Respondent is not licensed in any other jurisdiction, is not board certified by any ABMS board, and is listed in the Board's records as an obstetrician-gynecologist. His address of record is 6766 Lancelot Dr., Oconomowoc, WI 53066.
2. Respondent was previously disciplined in 85 Med 154/88 Med 37 (1991) for inappropriately prescribing controlled substances including Quaalude® for non-medical purposes to a female patient, outside the course of legitimate practice. His license was limited to obstetrics and gynecology, he was ordered to refrain from practicing for a period of time of not less than 60 days, to take an intensive course in prescribing controlled substances, to not provide medical services to his spouse, to use only an approved recordkeeping system, to take specified steps to improve certain of his surgical abilities, and to not prescribe Schedule II controlled substances outside a hospital setting. Respondent's license was restored to unlimited status in 1998.
3. On and between 1998 and 2005, Respondent provided medical care and treatment to the late D.C., a man born in 1970. Respondent's patient health care records for the patient were alleged not to meet the current standard of care. In resolution of that matter, Respondent agreed to take an in-depth course in medical recordkeeping, and that agreement was memorialized by Order of the Board in file 05 Med 292 (2007).
4. A formal complaint alleging that Respondent has committed unprofessional conduct has been filed.
5. There is probable cause to believe that it is necessary to suspend Respondent's license immediately to protect the public health, safety or welfare, in that based on statistics gathered from a database covering 80% of pharmacies in the United States, during April, 2007, Respondent was the second largest prescriber of oxycodone products in the 5 state area of Wisconsin, Illinois, Minnesota, Indiana and North Dakota. During May, 2007 Dr. Wetzler is the top prescriber of methadone in the state of Wisconsin, with approximately 96.7 % of those prescriptions being paid with by cash. In that same month, Dr. Wetzler is the top prescriber of oxycodone products in the state of Wisconsin, with approximately 82.5% of his prescriptions being paid with by cash. During this month, Dr. Wetzler was the top prescriber of oxycodone prescriptions paid by cash in the 5 state area of Wisconsin, Illinois, Minnesota, Indiana and North Dakota.
6. Respondent is not an oncologist and does not have a significant number of cancer patients, nor is he associated with any hospice program, nor does he have any special or advanced training in the area of pain medicine. Additionally, in normal practice, some 90-95% of prescriptions are paid for in part by some kind of insurance.
7. There is probable cause to believe that it is necessary to suspend Respondent's license immediately to protect the public health, safety or welfare, in that Respondent has, for several months, engaged in a systematic and routine practice of pre-signing prescription order forms, in blank and without dates, and furnishing them to Marc L. Smith, D.O., a physician whose license is limited and who is not permitted to prescribe any opioid to any patient for more than 30 days in any 12 month period. Dr. Smith, who is employed by Respondent, uses these pre-signed prescriptions to prescribe opioids and other controlled substances to patients, in Respondent's name. This activity violates Wis. Adm. Code § Med 10.02(2)(b), and 21 CFR § 1306.05(a).

CONCLUSION OF LAW

The legal requirements for summary suspension pursuant to Wis. Stat. § 448.02(4), and Wis. Adm. Code ch. RL 6, have been fulfilled.

ORDER

NOW, THEREFORE, IT IS ORDERED: the license of Robert J. Wetzler, M.D., to practice medicine and surgery is SUSPENDED for thirty days. Respondent shall surrender his credentials to the Board or any department staff requesting them, forthwith.

IT IS FURTHER ORDERED, that authority to extend this suspension pursuant to law is delegated to the Administrative Law Judge in this matter, subject to the authority of the Board to review any such decision.

Dated this July 18, 2007,

WISCONSIN MEDICAL EXAMINING BOARD, by:

Gene Musser, MD

A member of the board