

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
MICHAEL G. KAROS, M.D., : FINAL DECISION AND ORDER
RESPONDENT. : LS0805218MED
 :

[Division of Enforcement Case # 07 MED 373]

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

Michael G. Karos, M.D.
1700 W. Paradise Drive
West Bend, WI 53095

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

Wisconsin Medical Examining Board
Department of Regulation and 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 this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Michael G. Karos, M.D., Respondent, date of birth June 6, 1933, was licensed by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin, pursuant to license number 15780, which was first granted September 21, 1966.

2. Respondent elected not to renew his registration with the Board when it expired on October 31, 2007 and for that reason, has not been allowed to exercise the rights and privileges conferred by his license since that date.

3. Respondent's last address reported to the Department of Regulation and Licensing is 1700 W. Paradise Drive, West Bend, WI 53095.

4. Respondent's practice specialty is anesthesiology. From December 1999 until September 4, 2007, Respondent was employed as a staff anesthesiologist at the West Bend Surgery Center (WBSC), in West Bend, Wisconsin.

5. In July 2006, the WBSC Chief of Anesthesiology/Medical Director discovered a canvas bag in Respondent's office which contained vials of Fentanyl, a Schedule II controlled substance, and Versed, a Schedule IV controlled substance. Both medications are used by anesthesiologists. When asked about the vials, Respondent explained that they were unused drugs left over at the end of clinical days and he did not like to waste anything and was unwilling to discard them.

6. As a result of Respondent's failures to properly waste medications, his reusing of medical supplies on more than one patient, and removing supplies from the surgery center, Respondent's employment was suspended for two months from August to October 2006. Upon his return to work following the suspension, Respondent was placed under a Monitoring Agreement.

7. The procedure at WBSC was that each day, each anesthesiologist was provided with a recorded amount of controlled substances and a dispensing record sheet to note the drugs used in surgeries that day. In addition, the anesthesiologist was to record the amount of drug used in each surgery in that patient's surgery report contained in the patient's chart. WBSC administrators conducted an audit of Respondent's use of Fentanyl and Versed during May, June and July, 2007. The audit compared the amount of drug Respondent recorded on patients' surgery reports with the amount of drug Respondent recorded as used on the controlled substances dispensing record sheets. The audit showed that Respondent had recorded in patients' charts that he had given more of the drugs than he had noted in the narcotic records. The differences were 16 vials of Versed 2mg and 300 mcgs of Fentanyl.

8. When Respondent was confronted with the results of the audit, Respondent voluntarily resigned his position at WBSC in lieu of having his employment terminated. There was no evidence that Respondent was diverting medications for his own use.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3), and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. §§ 227.44(5) and 448.02(5).

2. Respondent, by failing to follow proper wasting policies and by inaccurately recording his use of control substances during surgeries, violated Wis. Admin. Code § Med 10.02(2)(h) and is subject to discipline pursuant to Wis. S § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Michael G. Karos, M.D., of his license to practice medicine and surgery in the state of Wisconsin is hereby ACCEPTED.
2. Respondent shall never apply or reapply for any credential from the Wisconsin Medical Examining board.
3. Respondent shall, within 90 days of the date of this Order, pay \$350.00 to the Department of Regulation and Licensing, which represents the costs of this proceeding.
4. Payment shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817
5. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By: Gene Musser MD
A Member of the Board

5/21/08
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
 : STIPULATION
MICHAEL G. KAROS, M.D., : LS _____ MED
RESPONDENT. :

[Division of Enforcement Case # 07 MED 373]

It is hereby stipulated and agreed, by and between Michael G. Karos, M.D., Respondent; and John R. Zwieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (file 07 MED 373). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to this Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. Attached to this Stipulation are Respondent's most recent wall and wallet registration certificates. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to Respondent with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or his attorney, if any, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is public record and will be published in accordance with standard Department procedure.

9. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Michael G. Karos, M.D.
Respondent
1700 W. Paradise Drive
West Bend, WI 53095

Date

John R. Zwieg
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date