

# 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**  
:  
BRIAN J. EGGENER, M.D., : LS0811123MED  
RESPONDENT. :

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Division of Enforcement Case #06 MED 207

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

Brian J. Eggener, M.D.  
1931 Woodcrest Cir  
Mosinee, WI 54455

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

1. Respondent Brian J. Eggener (dob 3/19/56) 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 #27610, first granted on 7/1/86. Respondent practices psychiatry, and is certified by the American Board of Psychiatry and Neurology.
2. In February 2000, Respondent first saw patient R.R., a male born in 1963. The patient was diagnosed with panic disorder and generalized anxiety disorder, and was prescribed alprazolam, a Schedule IV controlled substance. Respondent asserts that R.R. was told that he would need to be seen at regular intervals for office visits if he wished to obtain medication refills, however Respondent acknowledges that he did not adopt a formal policy regarding refills until 2005. The patient was seen four times for medication monitoring between February 2000 and August 2000, and his prescriptions for alprazolam were regularly renewed.
3. The patient was not seen again in clinic until 2006. However, the patient regularly requested medication refills by telephone, and received renewals of prescription orders for alprazolam continually between 2001 and 2006, without being seen by Respondent or any delegee. Those requests were granted by Respondent.
4. Respondent asserts that his staff reminded the patient on several occasions to make and keep an appointment to see Respondent in the office; and that the patient on several occasions made and then failed to appear for such appointments. However, the Board finds that no office visits occurred between August 2000 and February 2006, and finds that prescriptions for any controlled substance should not be renewed for such a long period of time, without the patient being seen, and that the

patient should have been refused refills beginning in August 2001, unless he kept an appointment at least annually.

5. On or about February 18, 2006 Dr. Eggener approved a patient request for a refill of alprazolam, but directed in the prescription that there be “No refills, patient must schedule appointment.” Patient appeared for an office visit on February 20, 2006, and was told that he would have to “follow up regularly” in order to receive further refills. Patient then made a further request for a refill before all the medication from the refill of February 18, 2006 should have been taken. Dr. Eggener terminated R.R. as a patient on March 13, 2006, and authorized one additional refill to allow the patient time to seek another physician. As a result of Dr. Eggener’s refusal to continue providing refills, the patient filed a complaint with the Medical Examining Board.

6. Respondent acknowledges that giving the patient prescription refills for a controlled substance from August 2001-February 2006 without seeing the patient constituted unprofessional conduct. Respondent has accepted full responsibility for his actions, and has assured the Board that prior to the investigation of this matter he instituted a written medication refill policy requiring office visits at least every six months, which he believes will prevent recurrence of this error.

#### 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 ¶4, above, violated Wis. Adm. Code § Med 10.02(2)(h). 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 Brian J. Eggener, M.D., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent shall pay the COSTS of investigating and prosecuting this matter of \$500, within 30 days of this Order.

IT IS FURTHER ORDERED, that in the event Respondent fails to timely submit full payment of the costs as ordered the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has paid them in full, including any accrued interest.

Dated this November 12, 2008.

WISCONSIN MEDICAL EXAMINING BOARD

by: Gene Musser, MD  
a member of the Board