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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
 :
SCOTT G. POWLEY, M.D., : LS0811124MED
RESPONDENT. :

Division of Enforcement Case #07 MED 352

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

Scott G. Powley, M.D.
Theda Clark
130 2nd St.
Neenah, WI 54956

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 Scott Gerald Powley (dob 6/6/61) 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 #32129, first granted on 5/22/91. Respondent is a physiatrist, and is certified by the American Board of Physical Medicine & Rehabilitation.

2. C.N., a woman born in 1961, had been Respondent's patient since 5/10/00. The patient had chronic pain in the neck, upper back, mid back, and lower back including into the buttocks, both knees, and arms. She had been on an oxycodone product since 2001, and over time had been prescribed increasing amounts, without significant improvement.

3. On 8/15/05, Respondent examined the patient for complaints of a substantial amount of pain without relief on the current opioid regimen. She had an elevated blood pressure, an objective sign of pain. As such, Respondent believed that a different medication might work better for this patient, and determined to switch her from oxycodone to methadone, a medication known to work well for some patients.

4. At that time, the patient's opioid regimen was an extended release oxycodone product, 40mg TID, plus an oxycodone/APAP product containing 5mg of oxycodone, for flare-up pain, to be taken 3 or 4 times per day as needed. Respondent consulted a standard conversion table, and prescribed methadone 40mg TID, noting in the patient's chart: "This is likely an increase in potency from what she is currently on. She is to watch for drowsiness. Percocet is also refilled but she should avoid using that if possible. She should contact the office to report an update and how she is doing on the new

medication.”

5. Respondent represents to the Board that, in addition to the instructions noted in the chart, he instructed the patient to cut her pills in half if she experience any drowsiness, and family members later stated that she had done so. Neither the patient, nor any family member, contacted Respondent regarding the patient’s drowsiness, and no one updated Respondent on how the patient was doing on the new medication until 8/18/05.

6. On 8/18/05, the patient was found unconscious at her home, by family members, and could not be aroused. She was transported to hospital by EMS, where she expired several hours later. The cause was ultimately determined by the Medical Examiner to be methadone toxicity.

7. When changing a patient’s medication to methadone from another opioid, accepted medical practice is to reduce the equianalgesic dose by a substantial amount, such as 75 to 90%, because of the pharmacokinetics of methadone, which has a long half-life and is highly protein-bound, and which metabolizes poorly in some patients, causing a peaking of effect approximately three days after initial dosing. Additionally, specific instructions for daily reporting, including of side effects, should have been given, including to family members.

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 Scott G. Powley, 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 \$850, within 60 days of this Order.

IT IS FURTHER ORDERED, that if 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