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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
SUSAN E. PATTIS, M.D., : LS0901271MED
RESPONDENT. :

[Division of Enforcement Case # 08 MED 379]

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

Susan E. Pattis, M.D.
4137 N. Bartlett
Shorewood, WI 53211

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 Notice of Hearing and Complaint were filed and served on January 27, 2009. A hearing was scheduled for February 18, 2009, but the parties agreed to continue the hearing date so the matter could be resolved by agreement. The parties 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. Susan E. Pattis, M.D., Respondent, date of birth December 2, 1957, was licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin pursuant to license number 37017, which was first granted September 8, 1995.
2. Respondent's license was summarily suspended by the Board on January 21, 2009.
3. Respondent's last address reported to the Department of Regulation and Licensing is 4137 N. Bartlett, Shorewood, WI 53211.

COUNT I

4. Respondent was first diagnosed with bipolar affective disorder when she was 27 years of age (1984). Subsequent to that diagnosis, Respondent had inpatient psychiatric hospitalizations at ages 29 (1986), and 34 or 35 (1991 or 1992) because of manic states.
5. Respondent graduated from medical school in May of 1994 and completed one year of an internal medicine residency prior to becoming licensed to practice medicine in Wisconsin in 1995. Respondent continued in the residency for almost two more years, but was unable to complete it because of her psychiatric conditions.

6. Subsequent to being licensed to practice medicine, Respondent had psychiatric hospitalizations in 1995 because of depression and 2000 and 2002 because of manic episodes with psychotic features.

7. Although Respondent maintained her medical license through the years, Respondent did not practice as a physician. Then, in June 2004, Respondent opened her own medical practice, Pattis Medical Services at 6040 W. Lisbon Avenue, Milwaukee, and has been practicing at that location since that time. Respondent's practice was about 20 hours a week and half the patients are receiving pain management and the other half are seen for various primary care concerns. Respondent rented space from a solo practice physician with whom she consulted when she felt it was necessary.

8. On November 12, 2008, Respondent was admitted to Columbia St. Mary's Hospital in Milwaukee following a suicide attempt in which Respondent ingested prescription medicines. Respondent was discharged from Columbia St. Mary's Hospital on December 9, with discharge diagnoses:

- a. Bipolar disorder, depressed phase with psychotic features.
- b. Polysubstance dependency (tobacco, marijuana and benzodiazepines).
- c. Status post delirium due to Depakote toxicity and benzodiazepine toxicity.
- d. Treatment noncompliant longstanding.
- e. Borderline Personality Disorder.

9. Upon her discharge on December 9, her family transported her to Brookhaven Retreat, a long-term residential treatment facility in Seymour, Tennessee, for a 90-day admission, which she completed.

10. Respondent has at times practiced medicine while she had uncontrolled and poorly controlled bipolar disorder, active substance dependency and a severe personality disorder, and when she was unable to practice with reasonable skill and safety to patients.

COUNT II

11. On November 12, 2008, Respondent ingested methadone, a schedule II controlled substance, during her suicide attempt. Respondent did not have a valid prescription or order for the methadone. Respondent obtained the methadone by writing a prescription for additional doses of methadone to one of her patients with the understanding he would fill the prescription and return the additional doses to her, which he did.

12. For several years up to November 12, 2008, Respondent regularly smoked marijuana, a schedule I controlled substance. Respondent had no prescription or order for the marijuana.

13. It is illegal for a person to use controlled substances without the valid order of a practitioner.

COUNT III

14. Beginning in 2004, Respondent provided monthly medical care to Mr. A. The professional relationship continued until December of 2007. At that time, Respondent began a sexual relationship with Mr. A and immediately referred his care to another physician.

15. Wis. Adm. Code § Med 10.02(2)(zd) prohibits physicians from engaging in sexual contact, exposure, gratification, or other sexual behavior with a patient and for purposes of that subsection, an adult receiving treatment continues to be a patient for 2 years after the termination of professional services.

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. Stat. § 227.44(5).

2. Respondent, by practicing or attempting to practice when unable to do so with reasonable skill and safety to patients, has committed unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(i), and is subject to discipline pursuant to Wis. Stat. § 448.02(3). [Count I]

3. Respondent, by prescribing and using controlled substances otherwise than in the course of legitimate professional practice and as otherwise prohibited by law, has committed unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(p), and is subject to discipline pursuant to Wis. Stat. § 448.02(3). [Count II]

4. Respondent, by engaging in sexual contact with her patient within two years of professional services, has committed unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(zd), and is subject to discipline pursuant to Wis. Stat. § 448.02(3). [Count III]

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Susan E. Pattis, M.D., Respondent, to practice medicine and surgery in the State of Wisconsin is **SUSPENDED** for one year beginning January 21, 2009, the date of the summary suspension, and for an indefinite period of time after that year.

2. Respondent may petition the Medical Examining Board for a stay of the suspension after that year, under the following terms and conditions:

a. Respondent shall provide evidence to the Board that Respondent has taken and passed the Special Purpose Examination (SPEX) given by the Federation of State Medical Boards. The SPEX is designed to assess a physician's ability to apply, at a minimally acceptable level, the general medical knowledge considered essential for continued, unsupervised practice by physicians who hold or have held a valid, unrestricted license.

b. Respondent shall provide evidence sufficient to the Board that Respondent is able to practice with reasonable skill and safety of patients and public and does not suffer from any psychiatric condition which prevents her from practicing in that manner. The evidence shall include an assessment by an experienced mental health care practitioner approved by the Board, prior to the evaluation being performed.

c. Respondent shall provide evidence that she has paid to the Department of Regulation and Licensing costs of this proceeding in the amount of \$1,950.00 pursuant to Wis. Stat. § 440.22(2).

3. If Respondent provides the evidence required by paragraph 2 above, the Board shall stay the suspension and continue the stay as long as Respondent is in compliance with whatever terms the Board determines to be appropriate to address any concerns the Board has as a result of the conduct set out in the findings of fact or the period of time Respondent has not practiced medicine and surgery and to address any recommendations resulting from the assessment. Such terms may include, but not be limited to:

a. Psychotherapy or other drug and psychiatric treatment, at Respondent's expense, by a practitioner approved by the Board, to address specific treatment goals, with periodic reports to the Board by the therapist.

b. Abstinence from the use of alcohol and drugs, except for medical purposes and testing to monitor compliance.

c. Restrictions on Respondent's legal ability to order, dispense, prescribe and possess controlled substances.

d. Additional professional education in any identified areas of deficiency.

e. Restrictions on the nature of Respondent's practice or practice setting.

f. Supervision of Respondent's practice, by a physician who is board certified in the area of practice and who is approved by the Board, with periodic reports to the Board by the supervisor.

4. If Respondent believes that the Board's refusal to stay the suspension is inappropriate or that any requirement for the stay imposed or maintained by the Board is inappropriate, Respondent may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a) in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious or inconsistent with this Order. The suspension or term for stay of suspension shall remain in effect until there is a final decision in Respondent's favor on the issue.

5. All requests, notifications and payment shall be mailed, faxed 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

6. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By: Gene Musser, M.D.
A Member of the Board

6/20/09
Date