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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
 :
THOMAS MITCHELL, M.D., : LS09031812MED
RESPONDENT. :

Division of Enforcement Case #06 MED 124

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

Thomas Mitchell, MD
UW Med Foundation
1511 Park Ave
Columbus WI 53925

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 Thomas Mitchell (dob 6/3/58) 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 #36508, first granted on 4/28/95. Respondent is a family practitioner, and is certified by the American Board of Family Practice and the American Board of Internal Medicine.
2. On and between 6/30/05 and 3/7/06, Respondent provided care to L.S., a woman born in 1975. The patient had well documented chronic pain and depression, and reported having attention deficit disorder; she had a history of noncompliance with medication regimens and other modalities such as physical therapy, and her medical and mental health conditions were challenging to manage. Respondent ultimately prescribed methadone 10mg, sig 2 q4h, for the patient, plus other medications for her other conditions. Respondent's patient health care record does not completely document adequate justification for prescribing all of her medications, nor does it demonstrate that standard precautions were taken to prevent or detect diversion or abuse. There was no written medication agreement, no urine drug screens were conducted, no contact with prior prescribers is documented, the patient was not limited to a single pharmacy, and no pill counts were conducted. On and between 2/21/06 and 3/6/06, the patient was incarcerated, and Respondent was informed that she did not receive any of her prescribed methadone during this period.
3. Upon her release from jail, the patient came to Respondent's office and obtained a new prescription for methadone 10mg, sig 2 q4h. #360. Respondent, in issuing this prescription on this day, failed to consider whether this dosage was appropriate for a patient who had been off of this medication for at least two weeks, and failed to counsel the patient on how to

restart her medication regime in a gradual manner and taper herself up to the dosage needed.

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 the Findings of Fact, above, constitute unprofessional conduct as defined by Wis. Adm. Code § Med 10.02(2)(h).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Thomas Mitchell, M.D., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that the license to practice medicine and surgery of Thomas Mitchell, M.D., is LIMITED as provided in Wis. Stat. § 448.02(3)(e), and as follows: no later than 12/31/09, Respondent shall successfully complete not less than 18 hours of Category I continuing medical education in appropriate prescribing of controlled substances, which has been pre-approved by the Board. Respondent shall complete any pre-test and post-test offered, and authorize release of all records to the Board or its designee, including authorization for the Board or its designee(s) to discuss his attendance, participation, and performance with course staff and instructors. The following courses are approved:

Intensive Course in Controlled Substance Management, offered by Case Western Reserve University—Continuing Medical Education

Prescribing Controlled Drugs Course, offered by Vanderbilt University, Center for Professional Health

Physician Prescribing Course, offered by the University of California—San Diego, School of Medicine

Appropriate Prescribing Workshop, offered by the Oregon Medical Board.

Mini Residency in Prescribing Dangerous Controlled Substances, (on DVD with proctored test) University of Medicine and Dentistry of New Jersey.

Prescribing Controlled Drugs: Critical Issues and Common Pitfalls of Misprescribing, offered by the University of South Florida, College of Medicine.

IT IS FURTHER ORDERED, that respondent shall pay the COSTS of investigating and prosecuting this matter of \$1,100, within 90 days of this Order.

IT IS FURTHER ORDERED, that pursuant to Wis. Stats. §§ 227.51(3) and 448.02(4), violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. 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 March 18, 2009.

WISCONSIN MEDICAL EXAMINING BOARD

by: Gene Musser, MD
a member of the Board