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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
JOHN P. KISER, M.D. : FINAL DECISION AND ORDER
 : LS # 0901231 MED
RESPONDENT. :

[Division of Enforcement Case #06 MED 021]

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

John P. Kiser, M.D.
2688 Vissers Court
Green Bay, WI 54313

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

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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 the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. John P. Kiser, M.D. ("Respondent") was born on April 28, 1952, and is licensed to practice medicine and surgery in the state of Wisconsin pursuant to license number 23110. This license was first granted on July 11, 1980.

2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 2688 Vissers Court, Green Bay, Wisconsin 54313.

3. At all times relevant to this proceeding, Respondent was working as a physician at Aurora Medical Group – Green Bay. Respondent has not declared a specialty.

4. Between November 30, 2004, and September 30, 2005, Respondent saw Patient S.S., a woman born March 2, 1950, on twelve occasions. Respondent undertook the care of Patient S.S. when her previous primary care physician retired; no later than December 6, 2004, Respondent had read a brief report which he had received from that physician, outlining Patient S.S.'s history of chronic pain. On each occasion that Respondent saw Patient S.S., she presented with complaints of pain, and Respondent prescribed some form of prescription pain relief for her.

5. Throughout the period during which Respondent was treating Patient S.S., she was also receiving treatment through a community support program for persons with chronic mental illness; that program included controlled dispensing by of medication prescribed to Patient S.S. Prescriptions written by Respondent for Patient S.S. were delivered to the community support program by the single pharmacy through which Patient S.S. had her prescriptions filled.

6. Respondent's records of Patient S.S. included references to the community support program but did not include details of Respondent's contacts with the community support program or the psychiatrist who was treating Patient S.S. through the community support program.

7. Respondent's records did include referrals to a physician specializing in the treatment of chronic pain, as well as a neurologist, cardiologist, and physical therapy, and reference to Respondent's contacts with local hospital emergency departments with regard to limiting the amount and kind of opioid analgesics to be prescribed and dispensed to Patient S.S. to address breakthrough pain.

8. Respondent's records did not include sufficient detail to clearly identify the bases for his diagnoses of fibromyalgia, migraine, or tic doloreux independently of consultation with Respondent, nor did the print-outs of Respondent's electronic records of patient visits routinely identify the medications he had prescribed, although the Patient's medication list was displayed on Respondent's computer screen in the examination room at each visit.

9. In December 2007, prior to the commencement of this proceeding, Respondent completed the Intensive Course in Controlled Substance Management through the Case Western Reserve University School of Medicine, earning forty hours of category 1 continuing medical education. The Board recognizes that course as the education it would otherwise have ordered on the resolution of this proceeding.

CONCLUSIONS OF LAW

1. 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 and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraph(s) 4 through 8, above, constitutes a violation of Wisconsin Administrative Code § MED 10.02(2)(h).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent John P. Kiser, M.D., is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent shall, within ninety days from the date of this Order, pay costs of this proceeding in the amount of Five Thousand (\$5,000.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

3. 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 pay costs as ordered the Respondent's license (#23110) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Medical Examining Board

By: _____

A Member of the Board

2/17/10

Date