

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

| | | |
|-----------------------------------|---|--------------------------|
| IN THE MATTER OF THE DISCIPLINARY | : | |
| PROCEEDINGS AGAINST | : | FINAL DECISION AND ORDER |
| | : | |
| STEPHEN R. KREUSER, M.D., | : | ORDER 0000256 |
| RESPONDENT. | : | |

Division of Enforcement Case No. 08 MED 218

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

Stephen R. Kreuser, M.D.
320 Superior Avenue
Washburn, WI 54891

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin 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. Stephen R. Kreuser, M.D. (DOB April 17, 1952) is duly licensed to practice medicine and surgery in the state of Wisconsin (license No. 26675-20). This license was first granted on April 19, 1985.
2. Respondent's address on record with the Wisconsin Medical Examining Board is 320 Superior Avenue, Superior, Wisconsin 54891.

3. Respondent's specialty is General Practice. He is employed as a solo practitioner and does not have hospital privileges. Respondent reports that twelve percent of his patients receive chronic pain management.

4. On or about June-September, 2008, the Department of Health Services (DHS), Bureau of Program Integrity, audited Medicaid payments made to Respondent in 2006. DHS determined that the Medicaid program had overpaid Respondent due to issues with Respondent's billing. In October 2008, Respondent admitted that "coding information was inadequate on the actual files and I am aware that more detailed support of the coding would have been appropriate." On January 27, 2009, DHS dismissed the action and Respondent agreed to repay \$6,180.75. The DHS investigation concluded with no finding of wrong-doing on Respondent's part. The billing issue has been adequately addressed by DHS.

5. The DHS audit also revealed that Respondent provided minimal documentation supporting the rationale for narcotic use.

6. A subsequent investigation by the Division of Enforcement resulted in the conclusion that Respondent's prescriptive practice and recordkeeping fell below the standard of minimal competence in the profession. Respondent's records revealed the following inadequate behaviors:

- a) Respondent obtained records from other treaters, but failed to conduct and/or document patient history and an initial examination;
- b) Respondent prescribed narcotics without documenting the location of the patients' pain;
- c) Respondent failed to document rationale for increasing medications, and did not record pain scores;
- d) Respondent did not use narcotic pain management contracts;
- e) Respondent did not conduct toxicology testing to assess compliance.

7. Respondent's practice, as set forth in par. 6, above, created an unacceptable risk that patients could obtain narcotic medication for purposes other than legitimate pain management, and/or that an underlying medical condition may not have been adequately diagnosed or treated.

8. The Medical Examining Board encourages physicians to view effective pain assessment and management, which may include the use of opioid analgesics, as part of quality medical care for all patients with pain, including patients with a history of drug abuse. Because opioid analgesics are subject to abuse by individuals who seek them for mood altering effects, physicians who prescribe these drugs should be diligent and incorporate established safeguards into their practices to minimize the potential for their diversion and abuse.

9. Respondent has cooperated fully with the Board's investigation and agrees that he could benefit from a course of instruction on prescribing and documentation of prescribing narcotic pain medications.

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. Respondent, by engaging in the conduct set forth in paragraphs 6-8, above, violated Wis. Admin. Code § Med 10.02(2)(h), and he is therefore subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

IT IS HEREBY ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that Stephen R. Kreuser, M.D., is hereby REPRIMANDED.

IT IS FURTHER ORDERED that Stephen R. Kreuser, M.D., is LIMITED as follows:

1. Within 9 months of the date of this Final Decision and Order, Respondent shall take and complete the Case Western Reserve University—Continuing Medical Education course in prescriptive practices or its equivalent. Any course must be pre-approved by the Medical Examining Board or its designee. Respondent will within 60 days of completion of this educational requirement, file an affidavit with the Medical Examining Board stating under oath that he has attended in its entirety the course approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organization. This affidavit and the supporting documentation of attendance will be filed with:

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

All certifications, affidavits or other documents required to be filed with the Medical Examining Board will be deemed filed upon receipt by the Department Monitor.

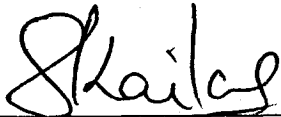
2. Respondent will be responsible for paying the full cost of attendance at this course. Respondent will not apply any of the continuing education credits earned in satisfaction of this Order toward satisfaction of the Wis. Stat. § 448.13 biennial training requirements.

IT IS FURTHER ORDERED that:

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of ONE THOUSAND FIVE HUNDRED dollars (\$1,500.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing and mailed to the Department Monitor at the address provided above.
4. In the event Respondent fails to timely pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license (No. 26675-20) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this order. The Board or its designee will remove the suspension, if provided with sufficient information that Respondent is in compliance with the Order and that it is inappropriate for the suspension to remain in effect. The Board in its discretion may impose additional conditions and limitations for a violation of any of the terms of this Order.
5. Respondent is responsible for compliance with all of the terms and conditions of this Final Decision and Order.
6. This Order is effective on the date of its signing.

MEDICAL EXAMINING BOARD

By:



A Member of the Board

6.16.10

Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

| | | |
|-----------------------------------|---|---------------|
| IN THE MATTER OF THE DISCIPLINARY | : | |
| PROCEEDINGS AGAINST | : | STIPULATION |
| | : | |
| STEPHEN R. KREUSER, M.D., | : | ORDER 0000256 |
| RESPONDENT. | : | |

Division of Enforcement Case No. 08 MED 218

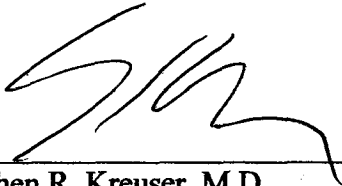
It is hereby stipulated and agreed, by and between Stephen R. Kreuser, M.D., Respondent, Gene Linehan of Linehan Law Office, attorney for Respondent; and Sandra L. Nowack, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (file 08 MED 218). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

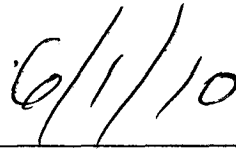
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, if any, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

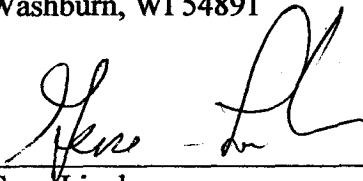
8. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.



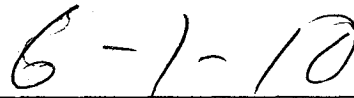
Stephen R. Kreuser, M.D.
Respondent
320 Superior Avenue
Washburn, WI 54891



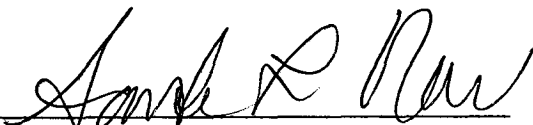
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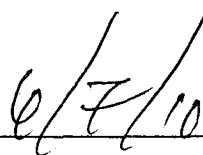
Gene Linehan
Attorney for Respondent
Linehan Law Office
530 Grant Street
Wausau, WI 54403



Date



Sandra L. Nowack
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935



Date