

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
DIANA KRUSE, M.D., :
RESPONDENT. :
ORDER 0000964

[Division of Enforcement Case No. 09MED256]

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

Diana Kruse, M.D.
208 Phillips Blvd
Sauk City, WI 53578

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Medical Examining Board
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Diana Kruse, M.D., Respondent, date of birth April 21, 1951, is licensed by the Wisconsin Medical Examining Board to practice medicine and surgery in the State of Wisconsin pursuant to license number 21754-20, which was first granted July 14, 1978.
2. Respondent's address of record with the Wisconsin Medical Examining Board is 208 Phillips Blvd, Sauk City, WI 53578.
3. At the time of the events set out below, Respondent was employed as an orthopedic surgeon in Sauk City, WI.

4. Respondent is board certified in orthopedic surgery.

PRIOR DISCIPLINE

5. Case Nos. 93MED 037, 93MED182, and 98MED259. Respondent prescribed opioid analgesic medications in periods exceeding 60 days for the treatment of chronic, non-cancer pain, without documenting adequate monitoring and re-evaluation of patients. The Board issued a reprimand and limited Respondent's license for a three-year period. Respondent was required to: successfully complete a 40-hour course in proper prescribing of controlled substances; complete a course of study on medical record keeping established through the University of Wisconsin Continuing Medical Education Program; if requested, appear before the Board annually to review compliance with its Order; and obtain a professional mentor.

6. Respondent completed the requirements with one extension and was restored to full licensure on March 25, 2003.

7. Case Nos. 05MED149 and 05MED257. The Board reprimanded Respondent for failing to release patient records in response to valid executed authorizations.

8. Case No. 07MED239. On January 20, 2010, The Board suspended Respondent's license to practice medicine and surgery for a period of one week, and limited her license to practice medicine and surgery for a period of one year. The limitation required Respondent to respond to requests for patient records within thirty days of requests and to maintain the services of a healthcare practice management consulting firm. The limitation expired on January 20, 2011.

CURRENT ALLEGATIONS

9. Respondent admits that between 2005 and 2010, Respondent prescribed controlled substances for chronic pain patients without sufficient documentation of informed consent concerning chronic pain management (narcotic treatment agreements) and with insufficient objective monitoring of patient compliance for patients who were at risk to seek controlled substances for reasons other than legitimate medical needs.

10. There is no evidence that patients suffered physical injury as a result of Respondent's prescribing practices.

11. The standard of minimal competence requires physicians who prescribe opiate analgesic pain medications for chronic non-cancer related pain to: assess patients' risk for addiction; assess progress in attaining or maintaining functional use; require opioid treatment contracts or other communication of the terms in which controlled substances will be prescribed for chronic pain and the consequences of any departure from the terms; and objectively monitor patient compliance through the use toxicology screening, pill counts and other means of objectively monitoring patient compliance with prescription orders. The standard of minimal competence further required physicians to assess for risk of addiction or drug-seeking conduct prior to prescribing opioids for chronic or long-term pain.

12. Respondent practices in a rural community. She has elected, due to personal matters, to reduce the size of her practice.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3) and authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the conduct as set out above, has engaged in conduct which tends to constitute a danger to the health, welfare, or safety of a patient, which is a violation of Wis. Admin. Code § MED 10.02(2)(h). Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Diana Kruse, M.D., Respondent, is hereby REPRIMANDED for the above conduct.

Respondent's license to practice medicine and surgery in the State of Wisconsin is LIMITED as follows:

1. Within 90 days of the date of this Order, Respondent shall provide proof sufficient to satisfy the Board, or its designee, of Respondent's satisfactory completion of the 12 module pain management course offered by the American Medical Association at www.ama-cmeonline.com/pain_mgmt. Respondent is prohibited from applying the educational credits required by this Order toward satisfaction of the otherwise required biennial continuing education.
2. Within 90 days of the date of this Order, Respondent shall provide proof sufficient to satisfy the Board, or its designee, of Respondent's satisfactory completion of the course entitled, Responsible Opioid Management offered by the Alliance of State Pain Initiatives with the University of Wisconsin School of Medicine and Public Health and the Federation of State Medical Boards. Respondent is prohibited from applying the educational credits required by this Order toward satisfaction of the otherwise required biennial continuing education.
3. Respondent shall, within 30 days of the date of this Order, obtain a professional mentor who shall be preapproved by the Board or its designee. The mentor must be a licensed health care professional, whose license is in good standing, and who is credentialed to prescribe controlled substances. The mentor shall, on a bi-weekly basis, review 5 randomly selected case files to insure compliance with this Order, the rules of the Medical Examining Board and state and federal law. The mentor shall also determine whether documentation in the randomly-selected files is adequate and timely. Finally, the mentor shall review all requests for patient health records to

