

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
:
JEFFREY T. JUNIG, M.D., :
RESPONDENT. : **ORDER 0001111**

Division of Enforcement Case No. 10MED120

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

Jeffrey T. Junig, M.D.
1020 S. Main Street, Suite A
Fond Du Lac, WI 54935

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

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. Jeffrey T. Junig, M.D. (DOB February 27, 1960) is duly licensed and currently registered to practice medicine and surgery in the state of Wisconsin under license number 32668-20. This license was first granted on September 25, 1991.
2. Respondent's address of record with the Wisconsin Medical Examining Board is 1020 S. Main Street, Suite A, Fond du Lac, Wisconsin 54935.
3. Prior Discipline. On September 25, 2002, the Board issued a Final Decision and Order in a Disciplinary Proceeding against Respondent who was practicing as an anesthesiologist

when he diverted narcotics for self-medication. Violations were: Wis. Stat. § 961.38(5), self-prescribing controlled substances, Wis. Admin. Code §§ Med 10.02(2)(i), practice while impaired, (r), obtaining a controlled substance outside legitimate practice, and (z), violation of related law or rule. The Order suspended Respondent's license for 5 years, with 3 months stays of suspension as long as he remained in compliance with the Board's Order. The limitations were removed on September 28, 2006.

4. In 2008, Respondent achieved board certification in psychiatry.

5. Respondent currently practices, and at all times relevant to this matter has practiced, psychiatry from his office in Fond du Lac, Wisconsin.

6. Respondent has approximately 600 patients, and estimates that 5-10% of his practice is treated through telemedicine (telepsychiatry).

7. Respondent estimates that 25% of his practice concerns treatment of AODA and other addiction issues. Respondent states that he is a former opiate addict and he is committed to the use of buprenorphine to treat opiate addictions. Respondent reports a lack of sufficient numbers of physicians willing to treat opiate addictions with buprenorphine, particularly in rural areas. He therefore believes he is performing an important community service in making treatment more readily available via telemedicine than would be true without it. At any given time, Respondent treats no more than 100 patients with buprenorphine to address opiate addictions.

8. As of December 27, 2010, Respondent indicated he had telemedicine patients in Florida, Illinois, Indiana, Kentucky, Louisiana, Michigan, Montana, New Jersey, New Mexico, and Mali, West Africa. In no case did Respondent act as a consultant with a physician in the foreign jurisdiction.

9. The following states require full licensure for physicians who provide health care services to patients in their jurisdiction, regardless of whether or not the service is provided via telemedicine: Florida, Illinois, Michigan and New Jersey.

10. The following states permit telemedicine services for patients located within their jurisdictions, with physician credentials other than full licensure:

- a. Indiana requires probationary, provisional, temporary medical permit, temporary fellowship permit or full medical licensure. (Ind. Code Ann. 25-22.5-1-1.1)
- b. Kentucky provides for a limited institutional practice, fellowship training, special faculty, temporary, or full medical license. (KY Rev. Stat. 311.560)
- c. Louisiana allows for reciprocity licensing and authorizes a telemedicine licensing/permit (LA Rev. Stat. 37:1271 and LAC 46:XLV.353).
- d. Montana requires full licensure or a temporary specialized telemedicine license (MT Code Ann. 37-3-342 thru 349) Rules adopted Oct. 2000.
- e. New Mexico requires full licensure or a telemedicine license (NM Stat. Ann. 61-6-20) Rules 16.10.2.11; 61-6-11.1 Telemedicine License).

11. Effective April 13, 2009, the Controlled Substances Act (CSA), 21 U.S.C. 801, et seq, was amended by the Ryan Haight Online Pharmacy Consumer Protection Act (Ryan Haight Act, Pub.L.No. 110-425). Since April 13, 2009, the federal statute requires at least 1 in-person medical evaluation of the patient (meaning, an evaluation conducted with the patient in the physical presence of the practitioner). Section 829(e)(1) & 2(A) defines a valid prescription as:

A prescription that is issued for a legitimate medical purpose in the usual course of professional practice by (I) a practitioner who has conducted at least 1 in-person medical evaluation of the patient; or (ii) a covering practitioner.

12. Respondent acknowledges that he has prescribed controlled substances for out-of-state patients he has never met, and for whom he has no collaborative relationship with a treating physician who has examined, or is in a position to examine the patient. Respondent has prescribed buprenorphine via telemedicine for approximately five opiate addicts he has never seen in person and who are located in states in which Respondent does not have DEA registrations. Respondent does not have collaborative relationships with physicians in the five buprenorphine patients' home jurisdictions.

13. Respondent is licensed to practice medicine and surgery in Wisconsin; he is not licensed to practice medicine and surgery in any other jurisdiction within or outside of the United States.

14. Respondent does not maintain credentials to practice telemedicine in any jurisdiction.

15. Respondent maintains a DEA registration only for Wisconsin.

16. Physicians are strictly liable for ensuring their practice conforms to requirements of applicable state and federal law, rules and regulations. "Physicians who treat or prescribe through Internet Web sites are practicing medicine and must possess appropriate licensure in all jurisdictions where patients reside." Federation of State Medical Boards of the United States, Inc., *Model Guidelines for the Appropriate Use of the Internet in Medical Practice*, April, 2002. The American Medical Association, and the American Telemedicine Association have also recognized the requirement that physicians comply with regulatory laws in the jurisdiction in which the patient is located. The objective of regulation of health care professionals is protection of the health care consumers, which is most readily accomplished in the jurisdiction in which the patient is located.

17. A license to practice medicine and surgery in Wisconsin does not authorize the physician to practice medicine in another jurisdiction via telemedicine or in any other manner.

18. Respondent is no longer prescribing medications to the patients described in paragraph 8, above. He acknowledges that he will not prescribe any medications to patients in

other states or jurisdictions via telemedicine and will comply fully with the relevant state and federal laws regarding telemedicine in the future.

19. Since this investigation was commenced, Respondent has taken the following education courses, which he will not use to fulfill his biennial education requirements:

- a. American Telemedicine Association, *Home Tele-Health, the Basics*, 7 credits;
- b. Massachusetts Medical Society, *Managing Risks of Practicing Telemedicine*, 1 credit;
- c. Wisconsin School of Medicine and Public Health, *Responsible Opioid Prescribing: Physician's Guide*, 7 credits.

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 as set out above, has violated a law, rule or regulation the circumstances of which substantially related to the circumstances of the practice of medicine, which is unprofessional misconduct as defined by Wis. Admin. Code § MED 10.02(2)(z). Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

IT IS HEREBY ORDERED that Jeffrey T. Junig, M.D., is hereby REPRIMANDED.

IT IS FURTHER ORDERED as follows:

1. The Board recognizes the aforementioned continuing medical education courses as the equivalent of the education the Board would have otherwise required.

2. Respondent shall, within sixty (90) days from the date of this Order, pay costs of this proceeding in the amount of ONE THOUSAND SEVEN HUNDRED dollars (\$1,700.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing and mailed to the Department Monitor at:

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

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 timely submit payment of the costs or fails to comply with the ordered continuing education as set forth above, the Respondent's license (No. 32668-20) may, in the discretion of Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs or completion of the continuing education.

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

MEDICAL EXAMINING BOARD

By: 
A Member of ~~the~~ Board

9/21/11
Date