

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
:
ROBERT STOY, M.D., :
RESPONDENT. : ORDER 0001158

Division of Enforcement Case No. 10MED073

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

Robert Stoy, M.D.
Hudson Physicians
403 Stageline Road
Hudson, WI 54016-7848

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

Medical Examining Board
Department of Safety and Professional Services
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 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. Robert Stoy, M.D., Respondent, date of birth May 12, 1951, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and

surgery in the state of Wisconsin pursuant to license number 22235-20, which was first granted on April 27, 1979. Respondent's license expires on October 31, 2011.

2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is Hudson Physicians, 403 Stageline Road, Hudson, WI 54016.

3. Respondent was previously disciplined on October 21, 1998 for not properly following up on findings indicating that a patient was in shock after delivery. Respondent was required and completed 12 hours of continuing medical education in managing postpartum complications, including postpartum hemorrhaging.

4. On November 28, 2007, Respondent saw Patient N.B. for complaints of headaches usually triggered by her menstrual cycle. Respondent refilled two prescriptions including Phentermine for weight loss. Respondent did not record the weight, treatment plan, follow up appointments and did not review previous medical records.

5. Respondent continued refilling the Phentermine prescriptions from November 28, 2007 through January 6, 2009. Respondent did not have any follow up visits or records of the patient's weight during that time.

6. On January 20, 2009, Patient N.B. called in for a re-fill prescription of Phentermine. However, the pharmacy stated that she would have to be seen by the Respondent before approving the prescription refill. Patient N.B. told the Respondent's office that she had no way to pay for the visit and requested the prescription to be sent by mail. Patient N.B. received the written prescription via mail and the pharmacy filled the Phentermine prescription.

7. The final refill for Phentermine was approved by the Respondent on January 6, 2009. The pharmacy records indicate that Patient N.B. received seven refills of Phentermine after the January 6, 2009 date. Those seven refills were forged by the patient and were filled by the pharmacy. In April of 2009, Patient N.B. again attempted to alter or forge a prescription for Phentermine.

8. Chapter Med 10.02(2)(zb), Wis. Admin. Code, provides that prescribing any anorectic drug for the purpose of weight reduction may only be done after a "comprehensive history, physical examination and interpreted electrocardiogram are performed and recorded at the time of initiation of treatment for obesity by the prescribing physician" and that the patient be "weighed at least once a month, at which time a recording is made of blood pressure, pulse, and any other tests as may be necessary for monitoring potential adverse effects of drug therapy."

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, as set out above, engaged in conduct which is in violation of Wis. Admin. Code § Med 10.02(2)(zb) and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

NOW THEREFORE IT IS ORDERED that the Stipulation of the parties is hereby accepted.

IT IS FURTHER ORDERED that Robert Stoy, M.D., is hereby REPRIMANDED.

IT IS FURTHER ORDERED that the license of Robert Stoy, M.D., to practice medicine and surgery in the State of Wisconsin shall be LIMITED on the following terms and conditions:

1. Robert Stoy, M.D. shall, within twelve (12) months of the date of this Order, complete 3 hours of continuing medical education in the area of prescribing weight loss medications.

a) The courses attended for compliance with this requirement may not be used in satisfaction of the statutory continuing education requirements for licensure.

b) Dr. Stoy shall be responsible for obtaining the courses required under this Order, for providing adequate course descriptions to the Department Monitor listed below and for obtaining pre-approval of the course from the Wisconsin Medical Examining Board or its delegate prior to commencement of the programs.

c) Within thirty (30) days following completion of the courses identified in paragraph one above, Dr. Stoy shall file with the Wisconsin Medical Examining Board certifications from the sponsoring organization verifying his attendance at the required courses.

d) All costs of the educational programs shall be the responsibility of Dr. Stoy.

IT IS FURTHER ORDERED that:

2. Respondent shall within 90 days of this Order pay costs of this proceeding in the amount of one thousand one hundred six dollars (\$1,106.00). Payment shall be made to the Wisconsin Department of Safety and Professional Services, and mailed to:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817

Fax (608) 266-2264

3. Violation of any 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 as ordered or fails to comply with the ordered continuing education as set forth above, the Respondent's license (No. 22235-20) may, in the discretion of the 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: Jamara d'Orbom MD

October 19, 2011

A Member of the Board

Date