

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
:
MICHAEL V. BAICH, M.D., :
RESPONDENT. : **ORDER 0001280**

Division of Enforcement Case No. 10MED295

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

Michael V. Baich, M.D.
P.O. Box 198
Coleraine, MN 55722

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

Wisconsin Medical Examining Board
Department of Safety and Professional Services
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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Michael V. Baich, M.D. (Respondent), date of birth August 27, 1944, is licensed and currently registered to practice medicine and surgery in the state of Wisconsin pursuant to license number 18474-20, which was first granted on July 17, 1973.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is P.O. Box 198, Coleraine, MN, 55722.
3. Respondent has been licensed to practice medicine and surgery in the state of Minnesota since July 2, 1973.

4. On May 9, 2009, the Minnesota Board of Medical Practice (“Minnesota Board”) issued an Order imposing restrictions and conditions on Respondent’s medical license in the state of Minnesota.

5. The Order was based upon the following facts:

- a. In August 2007, the Minnesota Board received a complaint alleging Respondent had inappropriately prescribed narcotics for a patient. The Minnesota Board initiated an investigation and an audit of Respondent’s practice in order to evaluate the care and treatment of patients, documentation, and prescribing practices and procedures.
- b. The investigation revealed that Respondent failed to prescribe narcotics for his patients appropriately. Respondent authorized excessive quantities of narcotics based on his patients’ reports of pain, but failed to document clinical, objective findings as a basis for the ongoing prescriptions. Respondent also failed to routinely require biological fluid screens, monitor the efficacy of the prescribed medications, implement or adequately enforce narcotic contracts, recognize drug-seeking behavior, and failed to heed concerns raised by other health care professionals or law enforcement personnel regarding patients’ excessive or inappropriate use of narcotics.
- c. The investigation further revealed Respondent failed to appropriately maintain and adequately document his clinic records. In multiple patient files, Respondent’s clinic notes were cursory and incomplete; he failed to document that he conducted a physical examination, performed re-checks for abnormal vital signs, provided routine health maintenance care, addressed collateral health care concerns, and communicated with other health care professionals to coordinate the care and treatment provided to his patients. Additionally, Respondent failed to summarize his patients’ current complaints on a problem list, failed to maintain a current medication log, and failed to document his prescriptions in his clinic notes adequately.
- d. Respondent’s actions resulted in disciplinary action by the Minnesota Board for engaging in unethical and unprofessional conduct, improper management of medical records, and prescribing a drug or device for other than medically accepted purposes, pursuant to Minn. Stat. §§ 147.091(1)(g), (k), (o), and (s).

6. On May 9, 2009, per the Minnesota Order, the following restrictions and conditions were placed on Respondent’s Minnesota license:

- a. Respondent shall complete the following courses, approved by the Minnesota Board, within one year of the date of the Order: chemical dependency awareness, chronic pain management, medical records management, family practice review, and professional boundaries.
- b. Six months after completing the coursework, Respondent shall submit to a random chart audit conducted by a representative of the Minnesota Board.

After reviewing the results of the audit, further audits may be recommended if appropriate.

- c. Respondent shall maintain a daily log of all controlled substance prescriptions. The log shall be available for monthly review by Respondent's supervising physician, and for quarterly review by his designated Minnesota Board member.
- d. Respondent shall meet monthly with a supervising physician, approved in advance by the Complaint Review Committee, to review the daily controlled substance prescription log and sample charts. The supervising physician shall submit quarterly reports to the Minnesota Board regarding the review, and shall indicate any concerns regarding Respondent's practice. Respondent is responsible for ensuring timely submission of all required reports.
- e. Respondent shall meet on a quarterly basis with a designated Minnesota Board member. Such meetings shall take place at a time that is mutually convenient to Respondent and the board member. The purpose of the quarterly meetings is to review Respondent's progress under the terms of the Stipulation and Order.
- f. Respondent shall pay a civil penalty of \$5,379.00 within six months of the date of the Order.
- g. Within ten days of signing the Stipulation and Order, Respondent shall provide the Minnesota Board with a list of all hospitals and skilled nursing facilities at which he currently has medical privileges, a list of all states in which he is licensed or has applied for licensure, and the addresses and telephone numbers of his residences and all work sites.
- h. In the event Respondent resides or practices outside of the State of Minnesota, he shall promptly notify the Minnesota Board, in writing, of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's conditioned license in Minnesota, unless Respondent demonstrated that practice in another state conforms completely to Respondent's Minnesota license to practice medicine.
- i. The Order is to remain in effect for a minimum of two (2) years, at which time Respondent may submit a written petition for reinstatement of an unconditional license.

7. Respondent was compliant with the terms and conditions of the Minnesota Order in the following ways:

- a. By June 11, 2010, after receiving a one-month extension by the Minnesota Board, Respondent had successfully completed the five required courses;

- b. Respondent maintained a daily log of all controlled substance prescriptions, which were reviewed by his supervising physician as well as the designated Minnesota Board member;
- c. Respondent met with his supervising physician, Thomas Elliott, M.D., on a monthly basis. Dr. Elliott submitted quarterly reports to the Minnesota Board.
- d. Respondent met with his designated Minnesota Board member, Tracy Tomac, M.D., on a quarterly basis;
- e. On May 28, 2009, Respondent paid his civil penalty of \$5,379.00; and
- f. Respondent provided the Minnesota Board with a list of all hospitals and skilled nursing facilities at which he currently has medical privileges, a list of all states in which he is licensed or has applied for licensure, and the addresses and telephone numbers of Respondent's residences and all work sites.

8. On February 25, 2011, pursuant to the Minnesota Order, the Minnesota Board issued an audit of Respondent's charts six months after he successfully completed the required coursework. The results of the audit were not favorable and revealed areas of ongoing concerns, including:

- a. Lack of rationale for treating patients with chronic narcotic medications;
- b. Chart notes lacking organization and detailed information about patients;
- c. Charts not reflecting thorough physical examinations to support treatment of pain;
- d. Failure to properly follow-up on abnormal lab studies and inconsistent drug screen results;
- e. Questionable management of cardiac respiratory and visual symptoms;
- f. Inadequate management of post-operative complications; and
- g. Limited health care maintenance for patients.

9. On October 19, 2011, as a result of the unfavorable audit, the Minnesota Board's Complaint Review Committee recommended Respondent continue with the restrictions and conditions imposed by the May 9, 2009 order. While the Complaint Review Committee did not feel that was a basis for further action, they would like to see improvement in how Respondent applies and documents what he has learned from the coursework required by the Order. A follow-up audit is likely to be conducted in approximately six (6) months to evaluate Respondent's progress, particularly his documentation practices.

10. Respondent is working as a physician in Minnesota and does not currently practice in Wisconsin.

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 having had disciplinary action taken against his Minnesota license by the Minnesota Board of Medical Practice, has committed unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(q) and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

IT IS HEREBY ORDERED that:

1. The attached Stipulation of the parties is accepted.
2. Michael V. Baich, M.D., is hereby REPRIMANDED for the above conduct.

IT IS FURTHER ORDERED that:

3. The license of Michael V. Baich, M.D., is hereby LIMITED with the following terms and conditions:
 - a. Respondent shall not practice medicine and surgery in the state of Wisconsin until he has appeared before the Wisconsin Medical Examining Board and provided proof satisfactory to the Board that:
 - i. Respondent's Minnesota license is no longer restricted, limited, or conditional; or
 - ii. Respondent's Minnesota license is restricted, but he is in compliance with all requirements of the May 9, 2009 Minnesota Order and any subsequent Orders of the Minnesota Board; and
 - A. Respondent has the necessary knowledge of the Wisconsin legal requirements for patient health care records; and
 - B. Respondent has the necessary knowledge to prescribe opioid analgesics appropriately.

IT IS FURTHER ORDERED that:

4. Respondent shall, within sixty (60) days from the date of this Order, pay costs of this proceeding in the amount of NINE HUNDRED FIFTY dollars (\$950.00) to the Wisconsin Department of Safety and Professional Services.

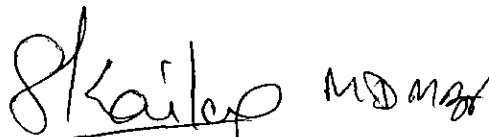
5. All requests, reports and payments required by this Order shall be provided to:

Department Monitor
Department of Safety and Professional Services
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

6. 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 as set forth above, the Respondent's license 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.

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

MEDICAL EXAMINING BOARD

By:  12/14/11
A Member of the Board Date