

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
GREGORY GOETZ, M.D.,	:	
RESPONDENT.	:	ORDER 0001156

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Division of Enforcement Case No. 11MED308

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

Gregory Goetz, M.D.  
9431 W. Beloit Road, #119  
Milwaukee, WI 53227

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 Division of Enforcement filed and served a Notice of Presentation of Petition for Summary Suspension of Respondent's license which was scheduled before the Medical Examining Board (Board) at its October 19, 2011 meeting. On October 19, 2011, the Petition was heard and an Order of Summary Suspension was entered by the Board. The parties have agreed to the terms and conditions of the attached Stipulation as a Final Decision and Order in 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. Gregory Goetz, M.D., ("Respondent") was born on January 17, 1954, and is licensed and currently registered to practice medicine and surgery in the state of Wisconsin pursuant to license number 23351-20. This license was granted on August 5, 1980.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 9431 W. Beloit Road, #119, Milwaukee, WI 53227.
3. Respondent specialized in the practice of family practice.
4. On September 23, 2011, the Drug Enforcement Administration (DEA), Milwaukee District Office (MDO), executed an Administrative Inspection Warrant at the office of the Respondent and interviewed Respondent. Respondent admitted during the interview that, at times, he prescribed pain medications without adequate medical justification such as requiring patients to provide proof of pre-existing conditions or having patients undergo medical testing. Respondent also admitted that he did not create or enforce policies for lost or stolen narcotic prescriptions. He replaced prescriptions upon patient request for patients who claimed their prescriptions were lost or stolen.
5. Respondent has received outpatient treatment for depression, social anxiety disorder and alcohol dependency syndrome.
6. Respondent is not currently in treatment for the diagnosed conditions set forth in Paragraph 5, above, and continues to consume alcohol.
7. On October 19, 2011, the Medical Examining Board issued an Order to Summarily Suspend Respondent's license to practice medicine and surgery in the State of Wisconsin.
8. On November 30, 2011 Respondent voluntarily obtained an evaluation and assessment by a forensic psychiatrist which resulted in diagnoses of: alcohol abuse; major depressive disorder, recurrent; social anxiety disorder and a non-specified personality disorder.
9. The forensic psychiatrist recommended that Respondent practice only in a supervised setting and that he undergo mental health and alcohol dependency treatment.
10. Respondent's conduct as set forth in Paragraph 4, above, fails to meet the minimum standards expected in the profession and tends to constitute a danger to the health welfare and safety of patients and the public.

## CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this proceeding pursuant to Wis. Stat. § 448.02.

2. The Medical Examining Board has the authority to resolve this matter by stipulated agreement pursuant to Wis. Stat. § 227.44(5).

3. Respondent, by engaging in conduct which tends to constitute a danger to patients, as set out above, has committed unprofessional conduct, as defined by Wis. Admin. Code MED § 10.02(2)(h), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

## ORDER

IT IS HEREBY ORDERED that Respondent Gregory Goetz, M.D.'s Wisconsin license and registration to practice medicine and surgery (license No. 23351-20) shall be indefinitely **SUSPENDED**, effective immediately.

IT IS FURTHER ORDERED that Respondent may petition the Board for a STAY of the **SUSPENSION** upon proof by Respondent that he is in compliance with the following restrictions and conditions:

### CONDITIONS AND LIMITATIONS FOR STAY

1. Respondent may not prescribe controlled substances as defined in Wis. Stat. § 961.01(4). In the event a patient presents with symptoms of chronic pain requiring treatment with controlled substances, Respondent shall immediately refer that patient to another physician.

2. If Respondent obtains employment as a physician or resumes the independent practice of medicine, Respondent shall report his employment status, location of employment, including address and telephone number to the Department Monitor prior to commencing practice. In the event Respondent changes or ceases practice, Respondent shall report such changes as indicated in this paragraph to the Department Monitor within five days of the date of a change.

3. Respondent may only practice in a group practice with a supervisory authority or as an independent practitioner with a professional mentor who shall review his practice until such time as the Board determines such supervision or mentoring is no longer required.

4. Respondent may not resume the practice of medicine and surgery in the State of Wisconsin until he has provided evidence to the Board or its designee that he has entered into and continued treatment as set forth in paragraphs 14 through 36, below, for a period of not less than 30 days and that his treater/s and therapist/s are of the opinion that Respondent is able to safely practice medicine and surgery under the restrictions of this Order.

### Professional Mentor

5. If Respondent intends to resume the independent practice of medicine, Respondent shall, prior to such resumption, provide the name and professional credentials of a physician who has agreed to serve as Respondent's professional mentor, along with a copy of the attached agreement signed by the proposed mentor. This information shall be provided to the Department Monitor at the address listed below. Respondent may not resume practice until he has been provided written approval of the professional mentor from the Board or its designee.

6. The professional mentor shall have no prior or current personal or business relationship with Respondent, and shall have no other relationship that could reasonably be expected to compromise the ability of the professional mentor to render fair and unbiased reports to the Department.

7. Respondent shall provide the professional mentor with a copy of this Final Decision and Order and the psychiatric evaluation dated December 7, 2011 prior to resuming practice.

8. The Professional Mentor shall monitor Respondent's practice as follows:

- a. Respondent's practice will be monitored for a period of two years from the date of Respondent's resumption of the practice of medicine and surgery in the State of Wisconsin or the effective date of this Order whichever is later.
- b. Following one year of continuous practice and monitoring and satisfactory reports and a recommendation from the professional mentor, Respondent may petition the Board for a reduction in the monitoring frequency.
- c. Following the two year period, Respondent may petition the Board for removal of this restriction. Removal of the restriction shall be at the sole discretion of the Board or its designee.
- d. The monitoring shall include a personal visit by the mentor to Respondent's practice on a bi-weekly basis on a day selected by the mentor. Respondent shall permit access by the mentor to any requested patient records, including but not limited to treatment records, laboratory reports, radiographs, billings statements and prescription records. The mentor shall review a randomly selected set of at least 10 records to determine if the history, presenting condition, clinical findings and diagnostics support the diagnosis and the treatment plan, including the prescribing of medications. The mentor shall discuss Respondent's thought process in reaching clinical decisions with the Respondent and

any questions he/she may have with regard to the diagnosis and treatment of the patient's condition/s with Respondent.

- e. The mentor shall submit a detailed, written report to the Board on a quarterly basis setting forth his/her observations and findings. If the mentor notes a significant departure from the accepted standard of care at any time during the monitoring period, the mentor shall notify the Board immediately.
- f. Respondent shall pay the full costs of the performance of the monitoring function within thirty days of submission of any statement from the mentor.
- g. Respondent is responsible for insuring the reports are received when due.

#### Practice Supervisor

9. If Respondent obtains employment as a physician in a group practice, Respondent shall, prior to commencing practice, provide a copy of this Final Decision and Order to his supervisory authority at his employment. If Respondent changes his practice setting, he shall immediately provide a copy of this Final Decision and Order to his supervisory authority at the new location.

10. Respondent's practice supervisory authority shall submit written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance and medical ability and knowledge. Respondent is responsible for insuring the reports are received when due.

#### Treatment Required

11. At least thirty (30) days before petitioning the Board for a Stay, Respondent shall enter into, and shall continue, drug and alcohol treatment with a treater acceptable to the Board or its designee ("Treater"). Professional Recovery Network and its affiliated programs are acceptable treatment facilities. Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater.

12. Respondent shall immediately provide Treater with a copy of this Final Decision and Order, the psychiatric evaluation dated December 7, 2011, and any other subsequent orders.

13. Treater shall be responsible for coordinating Respondent's rehabilitation and treatment as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor at the address below. If Treater is unable or unwilling to serve as required by this Order, Respondent shall immediately seek approval of a successor Treater by the Board or its designee.

14. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Treater. Therapy may end only with the approval of the Board or its designee.

15. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in drug and alcohol treatment. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

#### Releases

16. Respondent shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Safety and Professional Services, Division of Enforcement to: (a) obtain all specimen screen results and patient health care and treatment records and reports, and (b) discuss the progress of Respondent's treatment and rehabilitation with Treater and treatment facilities and personnel, laboratories and collection sites. Copies of these releases shall immediately be filed with the Department Monitor.

#### AA/NA Meetings

17. Respondent shall attend Alcoholics Anonymous and/or Narcotics Anonymous meetings or an equivalent program for recovering professionals, at the frequency recommended by Treater, but no less than twice per week. Attendance of Respondent at such meetings shall be verified and reported quarterly to Treater and the Department Monitor.

#### Sobriety

18. Respondent shall abstain from all personal use of alcohol. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, Treater and the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.

19. Respondent shall abstain from all use of over-the-counter medications or other substances (including but not limited to natural substances such as poppy seeds) which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation. It is Respondent's responsibility to

educate himself about the medications and substances which may violate this paragraph, and to avoid those medications and substances.

20. Respondent shall report to Treater and the Department Monitor all prescription medications and drugs taken by Respondent. Reports must be received within 24 hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the prescription is filled or refilled, Respondent shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.

21. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that they may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation, shall not be taken unless ordered by a physician and approved by Treater, in which case the drug must be reported as described in paragraph 20, above.

#### Drug and Alcohol Screens

22. At least thirty (30) days prior to petitioning the Board for a Stay, Respondent shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department ("Approved Program").

23. At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:

- a. Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
- b. Production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.

24. The Approved Program shall require the testing of specimens at a frequency of not less than 49 times per year, for the first year of this Order. After the first year, Respondent may petition the Board on an annual basis for a modification of the frequency of tests. The Board may adjust the frequency of testing on its own initiative at any time.

25. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, Respondent shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.



26. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent to do any or all of the following:

- a. Submit additional specimens;
- b. Furnish any specimen in a directly witnessed manner; or
- c. Submit specimens on a more frequent basis.

27. All confirmed positive test results shall be presumed to be valid. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.

28. The Approved Program shall submit information and reports to the Department Monitor as directed.

#### Therapy

29. At least thirty (30) days before petitioning the Board for a Stay of his suspension, Respondent shall provide proof to the Department Monitor that he has begun or continued treatment with a licensed psychiatrist or psychologist approved by the Board or its designee to address the issues identified by the psychiatric evaluation dated December 7, 2011. Respondent shall also provide proof that the psychiatrist or psychologist has been provided with a copy of this Final Decision and Order and the psychiatric evaluation dated December 7, 2011. The frequency of sessions shall be at least monthly.

30. The psychiatrist or psychologist shall provide quarterly reports to the Department Monitor, which shall state how many sessions have been held that quarter, whether Respondent has been cooperative with treatment and generally the nature and results of the sessions.

31. Prior to commencing therapy, Respondent shall execute authorizations necessary to permit direct and ongoing communication between the psychiatrist or psychologist and the Department's designee, and shall provide copies of the authorization to the Department Monitor.

32. The psychiatrist or psychologist must agree, in writing, to submit quarterly reports to the Department Monitor concerning Respondent's progress in fulfilling the terms of this Order. The psychiatrist or psychologist must further agree to notify the Department immediately upon receiving any information, whether directly or indirectly, that Respondent is engaging, or has engaged in conduct that violates this Order, state or federal law, and/or the rules of the Medical Examining Board;

33. The psychiatrist or psychologist may not have a personal, business or professional relationship with the Respondent.

34. Respondent shall provide and keep on file with the psychiatrist or psychologist current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Safety and Professional Services, Division of Enforcement to: (a) obtain patient health care and treatment records and reports, and (b) discuss the progress of Respondent's treatment and rehabilitation with the psychiatrist or psychologist. Copies of these releases shall immediately be filed with the Department Monitor.

Modification of Stay of Suspension

35. The Board or its designee may, without hearing, remove the stay upon receipt of information that Respondent is in substantial or repeated violation of any term or condition of this Order by the Board. Repeated violation is defined as the multiple violation of the same provision or violation of more than one provision.

36. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:

- a. Mailing to Respondent's last-known address provided to the Department of Safety and Professional Services pursuant to Wis. Stat. § 440.11; or
- b. Actual notice to Respondent or Respondent's attorney.

37. The Board or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.

IT IS FURTHER ORDERED that:

Pursuant to Wis. Stat. § 440.22(2) Respondent shall, within six months of the date of this Order, pay to the Department of Safety and Professional Services costs of this proceeding in the amount of \$2,600.00. Payment of costs shall be mailed or delivered to:

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

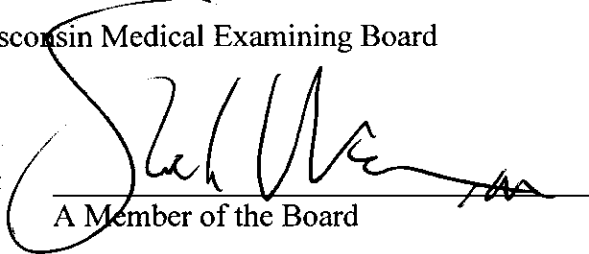
Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or

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 (No. 23351-20) 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.

This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By:

  
A Member of the Board

3/21/12  
Date