

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."
The status of an appeal may be found on court access websites at:
<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wsccl>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	INTERIM AGREEMENT AND ORDER
	:	
TERRANCE MOE, M.D.,	:	DHA Case No.: SPS-11-0076
RESPONDENT.	:	

ORDER 0001485

Division of Enforcement Case Nos. 08MED323, 10MED430, 10MED431

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

Terrance Moe, M.D.
150 Hospital Road
Eagle River, Wisconsin 54521-0150

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

On April 22, 2011, the formal Complaint in 10MED430 and 10MED431 was filed. On August 18, 2011, the formal Complaint in 08MED323 was filed.

A Petition for Summary Suspension was filed and served upon Respondent's attorney, Mark Budzinski, on April 12, 2012 by regular U.S. mail and electronic e-mail and U.S. regular mail. On April 18, 2012, after The Petition for Summary Suspension (with affidavits) was presented to the Wisconsin Medical Examining Board by attorney Kim M. Kluck for the Complainant, Department of Safety and Professional Services, Division of Enforcement, with Respondent's counsel, Attorney Mark T. Budzinski, appearing at the hearing on Respondent's behalf, the Order of Summary Suspension was issued by the Board.

The parties in this matter agree to the terms and conditions of the attached Interim Stipulation to this Interim Agreement and Order in this matter, subject to the approval of the Board. The Board has reviewed this Interim Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Respondent, Terrance Moe, M.D., (date of birth December 2, 1949) is duly licensed and currently registered by the Medical Examining Board to practice medicine and surgery in the State of Wisconsin, pursuant to license number 30319, which was first granted June 22, 1989.

2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 150 Hospital Road, Eagle River, Wisconsin 54521-0150.

3. On April 22, 2011, the formal Complaint in 10MED430 and 10MED431 was filed with the Division of Hearings and Appeals and served on the Respondent by certified mail with a return receipt requested in an envelope properly stamped and addressed to Respondent at his address of record at 150 Hospital Road, Eagle River, WI 54521-0150, and by regular mail in an envelope properly stamped and addressed to Respondent's attorney at the time, Kevin P. Byers, 518 Old Santa Fe Trail, Suite 1, P.O. Box 519, Santa Fe, NM 87505.

4. On August 18, 2011, the formal Complaint in 08MED323 was filed with the Division of Hearings and Appeals and served on the Respondent by certified mail with a return receipt requested in an envelope properly stamped and addressed to Respondent at his address of record at 150 Hospital Road, Eagle River, WI 54521-0150, and by regular mail in an envelope properly stamped and addressed to Respondent's attorney at the time, Kevin P. Byers, 529 East Town Street, Suite 200, Columbus, OH 43215.

5. On April 12, 2012, the Respondent was provided notice of the time and place of the presentation of the Petition for Summary Suspension by regular U.S. mail and electronic e-mail and U.S. regular mail to Respondent's attorney, Mark Budzinski. On April 18, 2012, after The Petition for Summary Suspension (with affidavits) was presented to the Wisconsin Medical Examining Board by attorney Kim M. Kluck for the Complainant, Department of Safety and Professional Services, Division of Enforcement, with Respondent's counsel, Attorney Mark T. Budzinski, appearing at the hearing on Respondent's behalf, the Order of Summary Suspension was issued.

6. The parties acknowledge that, at this time, no decision has been made with regard to the validity of the allegations contained in the formal complaints filed in this matter.

7. Pending the entry of a Final Decision and Order by the Board in this matter, Respondent voluntarily agrees to the following:

- a. Dr. Moe will not prescribe any Schedule I or II medications, as well as tramadol, buprenorphine and tapentadol.
- b. Dr. Moe may continue his general office practice duties as a physician and as an emergency room physician, subject to the prescribing limitations above in paragraph 7(a).

- c. Dr. Moe is only permitted to prescribe the medications referenced in paragraph 7(a) in the emergency department where it is necessary to exercise reasonable care for the patient and no other licensed prescriber is available to administer or prescribe the needed medication.
- d. Dr. Moe is only permitted to prescribe the medications referenced in paragraph 7(a) in the while on call at the Eagle River Memorial Hospital where it is necessary to exercise reasonable care for the patient and no other licensed prescriber is available to administer or prescribe the needed medication. Any such prescriptions shall be co-signed by another available physician within 24 hours.

CONCLUSION OF LAW

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 pursuant to Wis. Stat. § 227.44(5).

ORDER

IT IS ORDERED THAT THE STIPULATION OF THE PARTIES IS ACCEPTED.

IT IS FURTHER ORDERED that the voluntary agreement of Terrance Moe, M.D., as set forth above is accepted.

IT IS FURTHER ORDERED that the Order of Summary Suspension previously issued on April 18, 2012 is hereby VACATED.

IT IS FURTHER ORDERED that, based upon that agreement and pending the Final Decision and Order entered by the Board in this matter:

- a. Dr. Moe will not prescribe any Schedule I or II medications, as well as tramadol, buprenorphine and tapentadol.
- b. Dr. Moe may continue his general office practice duties as a physician and as an emergency room physician, subject to the prescribing limitations above in paragraph (a).
- c. Dr. Moe is only permitted to prescribe the medications referenced in paragraph (a) in the emergency department where it is necessary to exercise reasonable care for the patient and no other licensed prescriber is available to administer or prescribe the needed medication.
- d. Dr. Moe is only permitted to prescribe the medications referenced in paragraph (a) in the while on call at the Eagle River Memorial Hospital where it is necessary to exercise reasonable care for the patient and no

other licensed prescriber is available to administer or prescribe the needed medication. Any such prescriptions shall be co-signed by another available physician within 24 hours.

IT IS FURTHER ORDERED that if the Board determines that there is probable cause to believe that Respondent has violated any term of this Agreement and Order, the Board may, without further hearing, order that the license and registration of Respondent be immediately suspended until entry of the Final Decision and Order in the underlying matter by the Board.

Dated this May 1, 2012.

WISCONSIN MEDICAL EXAMINING BOARD

By: Sheldon Wasserman, MD
A Member of the Board