

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/wscqa>.
- 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	:	
	:	FINAL DECISION AND ORDER
GUY R. POWELL, M.D.,	:	
RESPONDENT	:	ORDER 0001562

Division of Enforcement Case No. 10MED187

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

Guy R. Powell, M.D.
16205 W. Heatherly Drive
New Berlin, WI 53151

Wisconsin Medical Examining Board
PO Box 8935
Madison, WI 53708-8935

Wisconsin Department of Safety and Professional Services
Division of Enforcement
PO 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. Guy R. Powell, M.D. ("Respondent"), date of birth October 27, 1963, is licensed to practice medicine and surgery in the state of Wisconsin pursuant to license no. 44188-20, which was granted on February 20, 2002. Respondent is certified by the American Board of Family Medicine.
2. Dr. Powell's most recent address on file with the Wisconsin Medical Examining Board is 16205 W. Heatherly Drive, New Berlin, Wisconsin, 53151.
3. At all times relevant to this matter, Respondent was working as a sole practitioner.

4. On July 7, 2010, the Division of Enforcement (“Division”) received a complaint regarding Respondent’s medical practice. Specifically, the complaint alleged that Respondent was over-prescribing oxycodone to his patients. Oxycodone is a Schedule II controlled substance used to treat moderate to severe pain.

5. On July 9, 2010, the Board opened an investigation based on these allegations. As a result of the investigation, Board finds that Respondent’s prescribing practices tend to constitute a danger to the health, safety, and welfare of his patients in the following ways:

- a. Respondent renewed prescription opioids for patients, but failed to review the patients’ old medical records in order to support the diagnoses or justify the prescriptions.
- b. Respondent’s patient records do not include any indication of prescribing agreements, lab tests, or radiology reports to support the diagnoses or justify the opioids he prescribed to patients.

6. Respondent is no longer a sole practitioner, and currently works as a physician at the Medical College of Wisconsin’s Walk-in Clinic-Plank Road in Wauwatosa, Wisconsin.

CONCLUSIONS OF LAW

A. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to Wis. Stat. § 448.02. and has authority to resolve this proceeding by stipulation without an evidentiary hearing pursuant to Wis. Stat. § 227.44(5).

B. Respondent, by engaging in any practice or conduct that tends to constitute a danger to the health, welfare, or safety of the patient or public, 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 the stipulation of the parties is approved, and:

1. Guy R. Powell, M.D. is hereby REPRIMANDED for the above conduct.
2. The license to practice medicine and surgery of Respondent is LIMITED as provided in Wis. Stat. § 448.02(3)(e), and is restricted as follows:

Until such time as he demonstrates satisfactory completion of an acceptable course in appropriate prescribing of controlled substances, which has been preapproved by the Board or its designee, Respondent shall not prescribe, order, dispense, or administer any opioid or opiate which is a controlled substance, for more than 10 consecutive days at a

time without seeing and re-evaluating the patient, nor for more than 30 days in any 12 month period for any patient.

The following courses are preapproved, and Respondent may propose others which are the substantial equivalent of any of the following:

- Prescribing Controlled Drugs, offered by the Vanderbilt University School of Medicine, Continuing Medical Education.
- Mini Residency in Appropriate Prescribing, offered by the University of Medicine and Dentistry of New Jersey-School of Osteopathic Medicine (UMDNJ-SOM) through the Department of Family Medicine.
- Prescribing Controlled Substances, jointly sponsored by the University of Texas Southwestern Medical Center and the Santé Institute of Professional Education and Research.
- Physician Prescribing Course, offered by the University of California, San Diego School of Medicine.

3. Pursuant to Wis. Stat. § 440.22(2), within six months of the date of this Order, Respondent shall pay to the Department of Safety and Professional Services the costs of this proceeding in the amount of \$3,700.

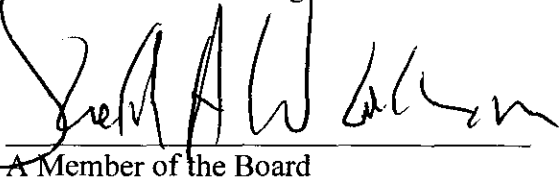
4. All requests, notices, reports and payments required by this Order shall be provided to:

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

5. In the event Respondent fails to timely submit payment of the costs as ordered, Respondent's license (no. 44188-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has paid the costs, including any accrued interest.

Wisconsin Medical Examining Board

By



A Member of the Board

akt

May 16, 2012
Date