

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
 :
EDWIN E. FERGUSON, JR., M.D., : **ORDER 0001967**
RESPONDENT. :

Division of Enforcement Case #11 MED 137

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

Edwin E. Ferguson, Jr., M.D.
Advanced Lipidology
524 Milwaukee Street Suite 180
Delafield WI 53018

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Safety and Professional Services
Division of Enforcement
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. Respondent Edwin Earle Ferguson, Jr., M.D. (dob 11/8/1944) is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #19493, first granted on 7/10/1975. Respondent is an internist, is certified by the American Board of Internal Medicine, and at all times relevant to the matters discussed below, practiced preventive cardiology.

2. In the summer of 2006, Respondent became acquainted with Mr. A, who was born in 1971, and who was a friend and later a coworker of Respondent's son. Mr. A has been diagnosed

with inflammatory polyarthritis/reactive arthritis, and had previously been treated by a number of physicians, including at a pain clinic. At the time, Mr. A was uninsured, and did not have a primary care physician. Respondent observed Mr. A to be apparently ill, and offered to provide limited medical care to him.

3. Over the following three years, Respondent prescribed opioids (in unusual and unjustified quantities), benzodiazepines, a schedule II stimulant (not for a reason listed in Wis. Admin. Code § Med 10.02(2)(s)), corticosteroids, anti-inflammatories, antibiotics, sulfa medications, and other medications not related to any cardiac condition, to Mr. A. Over 43,000 dosage units of medications were prescribed, the overwhelming majority of which were opioids, including approximately 22,000 dosage units of oxycodone products, approximately 15,000 dosage units of morphine products, approximately 1000 dosage units of hydrocodone products, and lesser amounts of hydromorphone and propoxyphene products.

4. Respondent saw Mr. A in his medical office only once, and did not otherwise keep a patient health care record concerning his prescriptions to Mr. A. Respondent represents to the Board that he reviewed Mr. A's patient health care records and saw Mr. A at least monthly, at Mr. A's home, and that on each such occasion he took the patient's blood pressure and performed an appropriate focused examination. Respondent did not keep any patient health care record of those encounters.

5. During that same period of time, Respondent took guitar lessons from Mr. A, cosigned for a loan from a credit union to Mr. A, loaned a substantial sum of money to Mr. A, and paid for some of the prescription medications which Respondent prescribed to Mr. A.

6. Respondent represents to the Board that he is semiretired, and practices only part time and only at a clinic focusing entirely upon cholesterol and related issues. No controlled substances are prescribed, order, dispensed, or administered.

CONCLUSIONS OF LAW

A. 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).

B. The conduct described in ¶3-5, above, violated Wis. Adm. Code § Med 10.02(2)(h), (p), (s), and (za). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Edwin Earle Ferguson, Jr., M.D., is REPRIMANDED for his unprofessional conduct in this matter, and his license is SUSPENDED for 60 days, effective September 15, 2012.

IT IS FURTHER ORDERED, that 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:

1. No later than December 31, 2012, Respondent shall demonstrate successful completion of a course in maintaining appropriate professional boundaries, which has been preapproved by the Board or its designee. The following courses are preapproved, and Respondent may propose others which are the substantial equivalent of any of the following:
 - Intensive Course in Medical Ethics, Boundaries, and Professionalism, offered by the Case Western Reserve University School of Medicine, CME Department.
 - Maintaining Proper Boundaries, jointly sponsored by the University of Texas Southwestern Medical Center and the Santé Institute of Professional Education and Research.
 - Maintaining Proper Boundaries, offered by Vanderbilt University School of Medicine.

2. Respondent shall not order, prescribe, dispense, or administer any controlled substance until he has demonstrated successful completion of a course in appropriate prescribing of controlled substances, which has been preapproved by the Board or its designee. The following courses are preapproved, and Respondent may propose others which are the substantial equivalent of any of the following:
 - Intensive Course in Controlled Substance Management, offered by the Case Western Reserve University School of Medicine, CME Department.
 - 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.
 - Prescribing Controlled Drugs: Critical Issues & Common Pitfalls of Misprescribing, offered by the University of Florida College of Medicine.

The Limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that he has successfully completed all of the ordered continuing education.

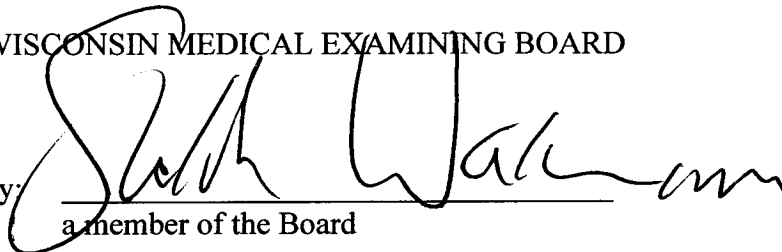
IT IS FURTHER ORDERED, that Respondent shall pay the COSTS of investigating and prosecuting this matter of \$3,400, within 90 days of this Order.

IT IS FURTHER ORDERED, that pursuant to Wis. Stats. §§ 227.51(3) and 448.02(4), 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 ordered or fails to comply with the ordered continuing education 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 paid the costs in full, including any accrued interest, and completed the required continuing education.

Dated this August 15, 2012.

WISCONSIN MEDICAL EXAMINING BOARD

by:



a member of the Board

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