

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**
BRUCE A. KRAUS, M.D., :
RESPONDENT. : **0002681**

Division of Legal Services and Compliance Case No. 12 MED 375

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

Bruce A. Kraus, M.D.
PO Box 310
Columbus, WI 53925

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

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Bruce A. Kraus, M.D., (dob June 15, 1948), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 20-21498, first issued on April 21, 1978, with registration current through October 31, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is PO Box 310, Columbus, Wisconsin 53925.

2. Respondent was previously disciplined by the Board in case 04 MED 77: on July 18, 2007, Respondent was reprimanded for keeping inadequate medical records and prescribing opioids injudiciously to one patient. His license was limited to prohibit any prescription of controlled substances until Respondent took a three-day course in appropriate prescribing of

controlled substances; he was also required to complete six hours of continuing education in medical documentation. Respondent completed all of the requirements of the order, and was restored to unlimited licensure on October 23, 2008.

3. On June 21, 2012, Respondent had an office visit with a female patient, born in 1994, for whom Respondent had been the primary care provider for approximately 11 years.

4. The patient complained of cough, fatigue, and swelling in her neck. The patient had recently had mononucleosis, and an infected wisdom tooth, for which she had yet to see a dentist. Respondent's examination resulted in his charting: "adenopathy which is moderately enlarged in both the right posterior and anterior chain. No significant tenderness. Lungs: clear except a few central course rales." Laboratory and imaging studies were ordered, and Respondent's plan noted that although the symptoms may be a residual from mononucleosis, there may also be a secondary infection as well as possible neck inflammation from dental pain.

5. The radiology report stated: "Hilar fullness or mediastinal fullness at the level of the hilum suggested." The radiologist recommended: "perhaps follow-up in short interval may be of benefit to assess stability of this. Alternatively should there be concern clinically of mediastinal adenopathy or abnormality, a CT scan could be considered."

6. Laboratory testing included a negative mononucleosis, slightly low hemoglobin and hematocrit; low MCV; high RDW; slightly high platelets; slight anisocytosis, microcytosis, and hypochromasia; and low BUN and creatinine.

7. Respondent reviewed these findings with the patient on June 25, 2012, at which time the patient continued to complain of cough, fatigue, and neck swelling. Respondent informed the patient that she should have a repeat chest x-ray in two months, with a possible CT to follow, depending on the x-ray findings. An appointment was made for August 16, 2012, which the patient rescheduled for October. The October appointment was canceled by the patient.

8. Given the x-ray and laboratory findings, along with the enlarged lymph nodes which had then been present for 7 months, either a chest CT or referral to pediatric hematologist should have been done on June 25, 2012. At minimum, the patient should have been contacted in August for the follow up chest x-ray, in the strongest possible terms. None of these treatment plan alternatives was followed.

9. The patient was subsequently diagnosed with stage IV Hodgkins lymphoma, in September, 2012, by another physician.

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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Bruce A. Kraus, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(h), by

failing to broaden his differential diagnosis when the data clearly compelled such a broadening, and failing to timely follow up on abnormal radiologic and laboratory results.

3. As a result of the above conduct, Bruce A. Kraus, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Bruce A. Kraus, M.D., is REPRIMANDED.
3. The medicine and surgery license issued to Bruce A. Kraus, M.D., (license number 20-21498) is LIMITED as follows:

a. Within nine (9) months of the date of this Order, Respondent shall successfully complete 20 hours of education on the topic of hematologic abnormalities of childhood, provided by the Medical College of Wisconsin, Office of Continuing and Professional Education. The program shall consist of:

Stage A: Chart audit of all (not to exceed 20) pediatric charts to determine current habits of ordering labs and follow up compared to the identified guidelines.

Stage B: Interventions over 6-9 months:

- Physician creates action plan which should be approved by his Department Chair or Medical Director.
- Physician is provided a recommended reading list covering hematology/ oncology and differential diagnosis in pediatric cases.
- Physician demonstrates competence with standardized patients (4 hours max).
- Other interventions (educational and non-educational) as determined by the Office of Continuing and Professional Education.

Stage C: Chart audit of all (not to exceed 20) pediatric charts to determine the level of practice improvement with regards to ordering labs and follow up compared to baseline and identified guidelines.

b. Alternatively, Respondent may attend the American Academy of Pediatrics annual meeting in October, 2013, including all of the presentations on hematology, but not less than 20 hours. Respondent shall submit the entire program booklet, indicating which presentations he attended.

c. Respondent may propose an alternative continuing medical education activity which is substantially equivalent to the above. The Board or its designee may reject any

course(s) and may accept a course(s) for less than the number of hours for which Respondent seeks approval.

d. Within thirty (30) days of completion of the program, Respondent shall file an affidavit or certificate with the Department Monitor stating that he has attended, in its entirety, the course(s) approved for satisfaction of this requirement, along with supporting documentation of attendance from the sponsoring organization(s).

e. Respondent is responsible for all costs associated with compliance with this educational requirement.

f. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

4. Within 90 days from the date of this Order, Bruce A. Kraus, M.D., shall pay COSTS of this matter in the amount of \$950.

5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 20-21498) 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 and completion of the education.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:



A Member of the Board

October 16, 2013

Date

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