

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**
JOSE G. ARAUJO, M.D., :
RESPONDENT. :

0002836

Division of Legal Services and Compliance¹ Case No. 12 MED 262

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

Jose G. Araujo, M.D.
2420 S. Graylog Lane
New Berlin, WI 53151

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 Jose Gonzalo Araujo, M.D., (dob January 27, 1953), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 28823-20, first issued on August 19, 1987, 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 2420 South Graylog Lane, New Berlin, Wisconsin 53151. Respondent was formerly licensed in New Jersey. Respondent has practiced pathology for most of his career, and is not Board certified by any Board recognized by the American Board of Medical Specialties.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. Respondent's current practice focuses exclusively on providing buprenorphine therapy for patients with opiate dependence. Respondent practiced at the Wisconsin Community Mental Health Counseling Center in Mequon, Wisconsin, from July 2011, until May 2013. Respondent then started his own practice in Racine because there was a need for buprenorphine providers there. He also shares an office with a group of physicians in Wauwatosa.

3. Respondent was asked to supply proof of his continuing medical education (CME) credits for the January 1, 2011, through December 31, 2012, biennium. Respondent provided proof of only 9 credits for that period. Notwithstanding this, Respondent signed a certification at the time he renewed his license, stating that he had completed 30 hours of Category I CME, and could provide proof of this upon request.

4. On September 12, 2013, Respondent provided proof of 85 additional CME credits all obtained in 2013.

5. Respondent first saw Patient A, woman born in 1985, on April 18, 2012. Patient A reported a 5-6 year opioid dependence resulting from having been prescribed opioids following an automobile collision and subsequent surgical fusion of C1-C2. She reported that she had been buying oxycodone "on the street" and was taking approximately 200 mg per day, that she had been treated twice before, for one year each with Subutex® (the patient reported being allergic to Suboxone®), that she took prednisone for Lupus, and that she took Nuvigil® for narcolepsy. The chart reflects a cursory physical, and no vital signs at this, or any other, visit.

6. Respondent then regularly prescribed Suboxone® (once) and then Subutex® 8mg SL tab, BID, and at various times Nuvigil® 150 mg, diazepam 5 mg or 10 mg, Klonopin® 1 mg or 2 mg, and Adderall XR® 20 mg. There is no indication that Respondent made any attempts to directly obtain past or concurrent treatment records, or confer with past treatment providers, or to coordinate care with concurrent providers.

7. Respondent obtained urine drug screens monthly from April to June 2012. Patient A reportedly could not give a specimen in July 2012, because of a urinary tract infection. Two drug screens were obtained in August 2012, and one in September 2012. Patient A could not give a specimen again in October and November 2012, because of urinary tract infection.

8. On the May 23, 2012, visit, Respondent prescribed diazepam in response to Patient A's complaint of neck pain. He did not document a neck exam. Patient A's urine screen was negative for benzodiazepines and amphetamines on this visit, although the patient reported being prescribed these medications by others. Respondent did not chart any discussion with Patient A regarding these results.

9. On the August 15, 2012, visit, Patient A tested negative for prescribed amphetamines. There was no charted discussion with Patient A regarding these results. Respondent increased Patient A's prescribed stimulant dosage from Adderall XR® 20 mg daily to Adderall XR® 20 mg BID without a charted explanation.

10. On the September 13, 2012, visit, despite the increased Adderall®, Patient A again had a negative amphetamine urine drug screen. There is no charted discussion with Patient A regarding these results.

11. Patient A missed her first substance abuse counseling appointment in October 2012, and there is no indication of another. There is no indication that Patient A was ever referred for physical therapy.

12. Patient A also missed her November 30, 2012, appointment with Respondent, and did not return to his care.

13. On October 22, 2012, Respondent began providing care to Patient B, a man born in 1958. The patient reported a 3 year history of opioid dependence which developed what he was prescribed oxycodone and fentanyl for pain following neck surgery, following a motorcycle accident. The patient reported a home address which places him 173 miles from Respondent's office, and working in Oshkosh, Wisconsin, some 117 miles from Respondent's office. No explanation was charted for this unusual distance. The chart reflects no vital signs taken at any visit.

14. Respondent provided buprenorphine therapy to Patient B, prescribing 12 mg per day, together with various medications intended to assist the patient with sleep. There is no indication that Respondent made any attempts to directly obtain past or concurrent treatment records, or confer with past treatment providers, or to coordinate care with concurrent providers.

15. On August 22, 2013, Respondent charted: "Pt is here for severe low back pain with muscle spasm and sciatica type pain. Pt states having difficulty moving, seating. Pain radiates mainly to his Lf leg. He states tripping into a hole in a park while walking with his grandson. He had a jerky movement that triggered the pain. Pt has Hx of back pain. Will prescribe opioid analgesic & prednisone pack for a short time. Pt. is to discontinue Suboxone in this period." And: "F/U: Will call pt periodically." There is no indication that any physical examination was conducted.

16. Respondent then prescribed 14 OxyContin® 80 mg, 1 BID for pain, and 30 oxycodone 30 mg, take 1 every 4-6 hrs PRN for pain.

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 Finding of Fact 3, Respondent Jose G. Araujo, M.D., violated Wis. Stat. § 448.13.

3. By the conduct described in the Findings of Fact 5-12, Respondent Jose G. Araujo, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(h) by failing to document an appropriate history and physical examination, failing to contact prior providers, failing to coordinate care with concurrent providers, failing to document appropriate responses to aberrant urine drug screens, and failing to require the patient to engage in counseling or therapy (individual and/or group).

4. By the conduct described in the Findings of Fact 13-16, Respondent Jose G. Araujo, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(h) by failing to document an appropriate initial history and physical examination, failing to contact prior providers, failing to coordinate care with concurrent providers, failing to document an appropriate physical examination when the patient reported a back injury, and prescribing an inordinate dosage of oxycodone.

5. As a result of the above conduct, Jose G. Araujo, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Jose G. Araujo, M.D., is REPRIMANDED.
3. The medicine and surgery license issued to Jose G. Araujo, M.D., (license number 28823-20) is LIMITED as follows:
 - a. Respondent shall not order, prescribe, or administer any controlled substance (except buprenorphine) until he has demonstrated successful completion of one of the following programs, or a program which is substantially equivalent and has been preapproved by the Board or its designee:
 - Intensive Course in Controlled Substance Prescribing, Case Western Reserve University School of Medicine.
 - Physician Prescribing Course, University of California, San Diego School of Medicine.
 - Prescribing Controlled Drugs: Critical Issues & Common Pitfalls of Misprescribing, University of Florida College of Medicine, Department of Psychiatry.
 - Prescribing Controlled Drugs, Vanderbilt University School of Medicine and the Center for Professional Health.
 - b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course(s) descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Wisconsin Medical Examining Board, or its designee, prior to commencement of the course(s).
 - c. Respondent is responsible for all costs associated with compliance with this educational requirement.
 - d. 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. The medicine and surgery license issued to Jose G. Araujo, M.D., (license number 28823-20) is LIMITED as follows:

- a. Respondent shall not order, prescribe, or administer any buprenorphine product until he has demonstrated successful completion of a one year fellowship in addiction medicine accredited by the American Board of Addiction Medicine Foundation. Until that time, Respondent may order, prescribe, or administer buprenorphine products only under the auspices of the fellowship program.
- b. In the alternative to par. a., above, Respondent shall not order, prescribe, or administer any buprenorphine product until Respondent has demonstrated successful completion of a course typically taken by candidates seeking certification in family practice or internal medicine, demonstrated successful completion of a course typically taken by candidates seeking certification by the American Board of Addiction Medicine, and has obtained a Professional Mentor.
- c. Respondent shall practice only under the oversight of a Professional Mentor approved by the Board.
- d. Respondent is responsible for obtaining a Professional Mentor acceptable to the Board. A Professional Mentor shall have no prior or current business or personal relationship with Respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Department (including but not limited to any bartering relationship, mutual referral of patients, etc.). A Professional Mentor shall be actively practicing in Respondent's field of practice, hold a valid Wisconsin license, shall be board certified by an ABMS-recognized board in a specialty relevant to Respondent's field of practice, and shall have read this Final Decision & Order and agree to be Respondent's Professional Mentor.
- e. Oversight by the Professional Mentor shall include weekly meetings, review of charts selected by the Professional Mentor, and any other actions deemed appropriate by the Professional Mentor to determine that Respondent is practicing in a professional and competent manner. The frequency of meetings may be adjusted only with the consent of the Board or its designee.
- f. Respondent shall arrange for his Professional Mentor to provide formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance. Respondent's Professional Mentor shall immediately report to the Department Monitor and the Respondent's Supervising Health Care Provider any conduct or condition of the Respondent which may constitute unprofessional conduct, a violation of this Order, or a danger to the public or patient. If a report indicates poor performance, the Board may institute appropriate corrective limitations, or may revoke a stay of the suspension, in its discretion.

- g. The Professional Mentor may designate another qualified physician or other health care provider to exercise the duties and responsibilities of the Professional Mentor in an absence of up to three weeks. If the absence will exceed three weeks, the Professional Mentor must obtain approval of the Board or its designee before delegating the mentoring duties under this Order.
- h. In the event that the Professional Mentor is unable or unwilling to continue to serve as Respondent's Professional Mentor, the Board may in its sole discretion select a successor Professional Mentor.
- i. The Professional Mentor shall have no duty or liability to any patient or third party, and the Mentor's sole duty is to the Board.
- j. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

5. Within 120 days from the date of this Order, Jose G. Araujo, M.D., shall pay COSTS of this matter in the amount of \$3,350.

6. 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:

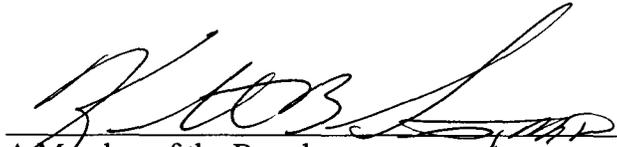
Department Monitor
 Division of Legal Services and Compliance
 Department of Safety and Professional Services
 P.O. Box 8935, Madison, WI 53708-8935
 Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. 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 Respondent's license (no. 28823-20) 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.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:


 A Member of the Board

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 Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOSE G. ARAUJO, M.D.,
RESPONDENT.

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:
:

STIPULATION

0002836

Division of Legal Services and Compliance¹ Case No. 12 MED 262

Respondent Jose G. Araujo, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Crivello Carlson, S.C.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

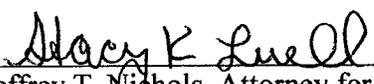
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

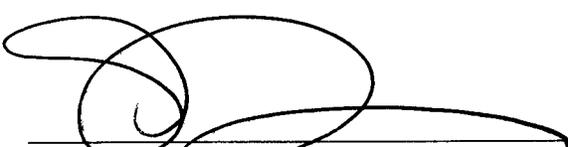


Jose G. Araujo, M.D., Respondent
2420 S. Graylog Lane
New Berlin, WI 53151
License no. 28823-20

11/07/2013
Date


for _____
Jeffrey T. Nichols, Attorney for Respondent
Crivello Carlson, S.C.
710 North Plankinton Avenue, Suite 500
Milwaukee, WI 53203

11/11/13
Date



Arthur Thexton, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

11/11/13
Date