

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

PAUL A. KORNAUS, M.D.,
RESPONDENT.

:
:
: **FINAL DECISION AND ORDER**

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0003281

Division of Legal Services and Compliance Case Number 13 MED 059

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

Paul A. Kornaus, M.D.
W7537 2nd Lane
Portage, WI 53901

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Board on December 12, 2013. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition 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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Paul Alvin Kornaus, M.D., (dob May 1, 1953), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 23990-20, first issued on July 2, 1981, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W7537 2nd Lane, Portage, Wisconsin 53901. Respondent is certified by the American Board of Family Medicine, and has a subspecialty certificate in sports medicine.

2. On Monday, February 7, 2011, at approximately 9:30 AM, Respondent was arrested for operating a motor vehicle while influenced by an intoxicant (beverage alcohol), and was subsequently convicted of that offense. At one point, Respondent told the investigating sheriff's sergeant that he was on his way to work. Respondent's blood-alcohol was in excess of 0.15% by weight.

3. Respondent was, in fact, scheduled to work on that day, but did not report to work, nor did he call in. On Tuesday, February 8, 2011, Respondent telephoned his employing hospital and stated that he needed the day off for some "personal business."

4. On May 31, 2011, Respondent was observed in his employing hospital to be walking with an unsteady gait, speaking in a slurred voice, using a door jamb to maintain his balance, and was uncharacteristically belligerent to a coworker. Respondent refused to submit to a urine drug screen and breath alcohol test. Respondent was subsequently required to sign a "last chance agreement" agreeing that he submit to test for drugs or alcohol for a period of 2 years.

5. On February 25, 2013, Respondent was observed in his employing hospital to be walking with an unsteady gait, to have glassy eyes, and to have the odor of an intoxicating beverage on his breath. Respondent was requested to remain in his office until he could be tested, but left the premises without submitting to testing.

6. Respondent has been evaluated by his psychiatrist and his clinical psychologist, and has not been diagnosed with any substance dependence condition.

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).

Note: All references to Wis. Admin. Code § Med 10.02(2) refer to the Code as it existed before October 1, 2013.

2. By the conduct described in the Findings of Fact, Respondent Paul A. Kornaus, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(i) by practicing or attempting to practice under any license when unable to do so with reasonable skill and safety to patients.

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

ORDER

1. The attached Stipulation is accepted.

2. The license of Paul Alvin Kornaus, M.D. (#23990-20), to practice as a physician in the State of Wisconsin is LIMITED and restricted as follows:

- a. Respondent shall not engage in the clinical practice of medicine. Respondent may engage in nonclinical activities such as teaching, research, pharmaceutical/medical device sales, medicolegal activities, insurance review, and the like.

- b. Respondent shall have no direct contact with a patient, including a person being examined as part of an independent medical examination or for research, nor may Respondent advise treating practitioners about individual patients, or supervise mid-level providers.
3. 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.
4. Within 90 days from the date of this Order, Paul Alvin Kornaus, M.D., shall pay COSTS of this matter in the amount of \$1,600.
5. Payment of costs and any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. Every 12 months Respondent shall notify the Department Monitor of Respondent's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.
7. Respondent may petition the Board for modification of the terms of this Order. Any petition for modification shall be accompanied by a comprehensive evaluation, including a residential AODA evaluation, expressly supporting the specific modifications sought. The Board may require other evaluations, in its sole discretion. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.
8. 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. 23990-20) may, in the discretion of the Board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with payment of costs.
9. This order is effective on the date of signing.

WISCONSIN MEDICAL EXAMINING BOARD

by:


A Member of the Board

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June 18, 2014
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PAUL ALVIN KORNAUS, M.D.,
RESPONDENT.

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STIPULATION

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Division of Legal Services and Compliance Case No. 13 MED 059

Respondent Paul Alvin Kornaus, 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 Coyne, Schultz, Becker & Bauer SC.

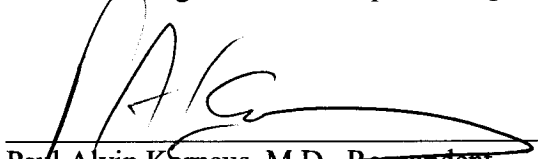
4. Respondent denies any unprofessional conduct, but solely to avoid the inconvenience, expenses, and uncertainties of litigation, agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the 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.

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.

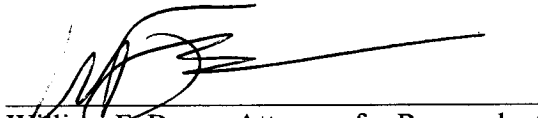
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

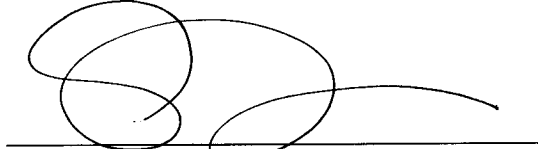
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Paul Alvin Kornaus, M.D., Respondent
W 7537 2nd Lane
Portage, WI 53901
License no. 23990-20

06 May 2014
Date


William F. Bauer, Attorney for Respondent
Coyne, Schultz, Becker & Bauer SC
150 E Gilman St # 1000
Madison WI 53703-1495

6/2/14
Date


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

6/4/14
Date