

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

KEVIN C. NEPSUND, M.D.,
RESPONDENT.

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FINAL DECISION AND ORDER

0003344

Division of Legal Services and Compliance Case No. 14 MED 028

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

Kevin C. Nepsund, M.D.
3590 Mt Vernon Ct.
Woodbury, MN 55129

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

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 Kevin C. Nepsund, M.D., (dob August 04, 1961), is licensed in the State of Wisconsin to practice medicine and surgery, having license number (42586-20), first issued on August 25, 2000, and 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 3590 Mt Vernon Ct., Woodbury, Minnesota 55129. Respondent is certified by the American Board of Family Medicine.

2. On September 08, 2007, Respondent was issued license (no. 42,547) to practice medicine and surgery by the State of Minnesota Board of Medical Practice.

3. On January 11, 2014 the State of Minnesota Board of Medical Practice adopted the terms of the Stipulation entered by Respondent and the Complaint Review Committee and entered an Order with the following terms and conditions:

- a. Respondent was Reprimanded;
- b. Respondent was ordered to read the following:
 - i. "Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain," adopted as policy by the Executive Committee of State Medical Boards of the United States, Inc. (FSMB), July 2013
 - ii. *Responsible Opioid Prescribing, A Clinician's Guide, Second Edition*, by Scott M. Fishman, M.D., published by Waterford Life Sciences, Washington D.C., 2012.
- c. Respondent was ordered to obtain specified continuing education in Complete Chronic pain management; Chemical dependency awareness; and Professional boundaries coursework;
- d. Respondent was ordered to maintain records that reflect the patient complaint, clinical findings, treatment plan, response to treatment, and prescriptions authorized, including refills.
- e. Respondent was ordered to undergo an audit of his prescribing practice after six months of completing the coursework;
- f. Respondent was ordered to develop and submit a written protocol for the management and tracking of controlled substance prescriptions, including use of the Minnesota Prescription Monitoring Program;
- g. Respondent was ordered to develop and submit a written controlled substance agreement for use with all chronic pain patients; and
- h. Respondent was ordered to pay a civil penalty of \$1,200.00

4. The basis for the State of Minnesota's disciplinary action was based on a complaint received by the Minnesota Board in June, 2012, alleging inappropriate prescription of controlled substances by Respondent to his patients, including the following:

- a. Authorization of excessive quantities of controlled substances based upon his patients' claims of pain or other symptoms, but failed to document objective clinical findings to support the need for ongoing medications;

- b. Routine prescription of controlled substances, without assessing the patients' risk of chemical dependency, toxicity, diversion, or suicide;
- c. Failing to monitor the efficacy of the medications; failing to implement narcotic agreements or enforce the provisions of his narcotic agreements when his patients violated the terms of the contract; failing to conduct pill counts or biological fluid screens to monitor his patients' compliance with their medication regimen or use of illicit drugs; failing to heed concerns or warnings raised by other health care providers regarding his patients' excessive or inappropriate use of controlled substances; and failing to recognize drug seeking behavior in his patients.

5. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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 Kevin C. Nepsund, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.03(3)(c) by having adverse action taken against his medicine and license in another state.
3. As a result of the above conduct Kevin C. Nepsund, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Kevin C. Nepsund, M.D., is REPRIMANDED.
3. The license of Kevin C. Nepsund, M.D., to practice medicine and surgery in the State of Wisconsin is LIMITED as follows:
 - a. Respondent shall comply fully with the terms and conditions placed on his Minnesota license.
 - b. Respondent shall notify the Department of any changes to his Minnesota Order within 10 days of the change.
 - c. Upon Respondent providing proof sufficient to the Board, or its designee, that he has successfully complied with all terms and conditions of the Minnesota Order, the Board or its designee shall issue an Order removing this limitation of Respondent's license.

4. Within 60 days from the date of this Order, Kevin C. Nepsund, M.D., shall pay the COSTS of this matter in the amount of \$200.


5. Notifications of changes to the Minnesota order, and payment of costs (payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at the address below:

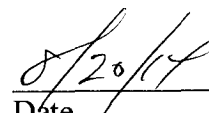
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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, Respondent's license (no 42586-20) 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.

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

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board
akt


Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KEVIN C. NEPSUND, M.D.,
RESPONDENT.

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STIPULATION

0003344

Division of Legal Services and Compliance Case No. 14 MED 028

Respondent Kevin C. Nepsund, 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.

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.

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.



Kevin C. Nepsund, M.D., Respondent
3590 Mt Vernon Ct.
Woodbury, MN 55129
License no. 42586-20

7/24/2014
Date



Arthur Thexton, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

7/28/14
Date