

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

RICHARD H. STRAUSS, M.D.,
RESPONDENT.

:
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: FINAL DECISION AND ORDER
:
:

00039 15

Division of Legal Services and Compliance Case No. 14 MED 070

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

Richard H. Strauss, M.D.
Gundersen Health
1900 South Avenue
La Crosse, WI 54601

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 Richard H. Strauss, M.D. (dob March 26, 1951), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 27816-20, first issued on July 1, 1986, 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 Gundersen Health, 1900 South Avenue, La Crosse, Wisconsin 54601.

2. Respondent is also currently licensed to practice medicine in the state of Iowa. He holds expired licenses in the states of New York and California, with no disciplinary actions reported.

3. Respondent's practice specialty is pediatrics; he is certified by the American Board of Pediatrics and holds a sub-specialty certification in pediatric critical care medicine. At all times pertinent herein, he practiced medicine at Gundersen Lutheran Medical Center (Gundersen) in La Crosse, Wisconsin.

4. Patient A, a fourteen year old boy with multiple serious medical conditions including cerebral palsy, type I diabetes mellitus, and dysarthria was scheduled to undergo a laparoscopic lysis of adhesions, a laparoscopic jejunostomy placement, and a laparoscopic-assisted abdominoperineal resection at Gundersen. He had previously undergone a total colectomy with ileostomy placement, J-tube placement and replacement by interventional radiology.

5. On January 13, 2011, Patient A presented for surgery. Respondent and the surgeon agreed that if the surgical procedures went well, Patient A would not be placed in the pediatric intensive care unit, but would be cared for post-operatively on an inpatient pediatric unit which was also being staffed by Respondent.

6. At approximately 4p.m., Patient A was transferred from recovery to a room in inpatient pediatrics on unit 4 West, with no noted complications. Respondent saw Patient A on unit 4 West at approximately 5:15 p.m. and 7:20 p.m.

7. Respondent's note of the 5:15 p.m. visit indicates that Patient A seemed to be doing well. Respondent's note from the 7:20 p.m. visit indicates that Patient A's vital signs were stable. Patient A's records indicate that around 7:20 p.m., he had a small amount of bloody drainage from the rectum suture line, and that he was running a low-grade fever. Respondent left the hospital shortly thereafter.

8. Between approximately 9:30 p.m. on January 13th, and 3:00 a.m. on January 14th, Respondent was provided updates on Patient A's condition by telephone and notified that Patient A was experiencing tachycardia and decreased blood pressure. Respondent entered several orders, but failed to take urgent action to address Patient A's declining condition.

9. At approximately 3:30 a.m., Patient A began experiencing respiratory distress. Respondent was contacted and ordered chest x-rays and lab tests. A blood transfusion had also been ordered and administered, but Patient A's condition became critical and he died at approximately 4:45 a.m. on January 14.

10. 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 Richard H. Strauss, M.D., violated Wis. Admin. Code § Med 10.02(2)(h) (Nov. 2002) by engaging in conduct which tends to constitute a danger to the health, welfare, or safety of a patient.

3. As a result of the above violation, Richard H. Strauss, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent, Richard H. Strauss, M.D., is REPRIMANDED
3. Within 90 days from the date of this Order, Richard H. Strauss, M.D., shall pay COSTS of this matter in the amount of \$1,694.18.
4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

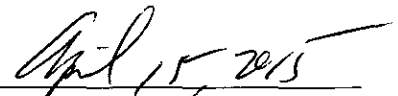
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. 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. 27816-20) 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.

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

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RICHARD H. STRAUSS, M.D.,
RESPONDENT.

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STIPULATION

00039 15

Division of Legal Services and Compliance Case No. 14 MED 070

Respondent Richard H. Strauss, 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 is represented by Attorney James Gutglass of Gutglass, Erickson, Bonville & Larson, 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.

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

Stipulation
In the matter of disciplinary proceedings against
Richard H. Strauss, M.D., Case No. 14 MED 070

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.

Richard H. Strauss
Richard H. Strauss, M.D., Respondent
Gundersen Health
1900 South Avenue
La Crosse, WI 54601
License No. 27816-20

3/26/15
Date

James R. Gutglass
James R. Gutglass, Attorney for Respondent
Gutglass, Erickson, Bonville & Larson, S.C.
735 N. Water Street, Suite 1400
Milwaukee, WI 53202-4267

3/27/15
Date

Yolanda McGowan
Yolanda McGowan, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

3/27/15
Date