

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
SIAMAK B. ARASSI, M.D., :
RESPONDENT. :

0004202

Division of Legal Services and Compliance Case Numbers 11 MED 351 and 12 MED 224

The parties to these actions for the purpose of Wis. Stat. § 227.53 are:

Siamak B. Arassi, M.D.
4040 N. Calhoun Road, Suite 101
Brookfield, WI 53005

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 these matters agree to the terms and conditions of the attached Stipulation as the final disposition of these matters, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in these matters adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

PROCEDURAL HISTORY

1. Case number 11 MED 351 was opened on November 4, 2011, upon a complaint alleging inappropriate prescribing of controlled substances, opioids in particular, all as further set out below. A formal complaint and notice of hearing was served in 11 MED 351.

2. Case number 12 MED 224 was opened on June 27, 2012, upon a complaint alleging inappropriate prescribing of controlled substances, opioids in particular, all as further set out below.

FINDINGS OF FACT

3. Respondent Siamak B. Arassi, M.D., (dob November 1, 1963), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 41661-20, first issued on September 24, 1999, 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 4040 North Calhoun Road, Suite 101, Brookfield, Wisconsin 53005.

4. At the time of the events set forth below, Respondent's area of medical specialty was pain management, and he was employed as a physician at the Healing Corner in Brookfield, Wisconsin.

11 MED 351 and 12 MED 224

5. In 2011 and 2012, Respondent saw a substantial increase in the number of new patients seeking opioid treatment for chronic pain complaints. The influx of such patients, in conjunction with Respondent's use of electronic medical records software that repetitively re-entered data from prior visits and which did not properly scan and integrate patient records received from other providers, at times overwhelmed Respondent and his staff, and created circumstances under which Respondent prescribed controlled substances, opioid medications in particular, to chronic pain patients under one or more of the following conditions:

- a. without reviewing prior treatment records;
- b. without conducting or without charting an appropriate physical examination;
- c. without ordering appropriate testing, including imaging studies;
- d. without making or without charting objective findings supporting the given diagnosis(es) and his prescribing;
- e. without discussing and/or ordering alternate non-opioid treatments, or without charting that such discussions and/or orders occurred;
- f. without implementing adequate precautions against prescription drug abuse and/or diversion, particularly with patients whose history or behaviors indicated that they were at high risk for abuse and/or diversion;
- g. without recognizing and acting on commonly recognized red flags for potential prescription drug abuse and/or diversion;
- h. without appropriate charting and while allowing repetitive template chart entries that misrepresented the patient's presentation; and
- i. by prescribing opioids and benzodiazepines in combination without having, or without charting, a discussion of the potential dangers thereof.

6. As a result of the above-described conduct, the Department opened 11 MED 351 and 12 MED 224 against the Respondent.

7. Respondent cooperated with the investigations conducted by the Department, and while both investigations were pending, Respondent took a number of corrective measures to improve his prescribing practices, his charting, and his recognition of non-compliant patients. Respondent also took steps to correct his electronic medical records software to eliminate the repetitive use of data. These steps resulted in a significant decrease in the number of chronic pain patients that Respondent treated in his practice.

8. Also in response to the investigations conducted by the Department, and while both investigations were pending, Respondent completed the following continuing medical education:

- a. attended Case Western Reserve University – Intensive Course In Controlled Substances Management; December 4-7, 2012 for 31 hours of AMA PRA 1 credit.
- b. reviewed the American Academy of Family Physicians Position Paper on Pain Management and Opioid Abuse (2012), and the Federation of State Medical Boards Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain (2013).

9. Respondent chooses to resolve 11 MED 351 and 12 MED 224.

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 in 11 MED 351 and 12 MED 224, Respondent Siamak B. Arassi, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(h) (Nov. 2002).

3. As a result of the above conduct, Siamak B. Arassi, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Siamak B. Arassi, M.D., is REPRIMANDED.

3. The Board recognizes and accepts the above-described continuing medical education credits as the equivalent of the education the Board would have otherwise required.

4. Within thirty (30) days of the date of this Order, Respondent shall retain a professional mentor who shall be pre-approved by the Board or its designee.

- a. For six (6) months after the mentor has been approved, he or she shall randomly select five (5) patient health care records from among patients seen by Respondent during the previous month and for whom Respondent prescribed controlled substances. The mentor shall review the records to determine whether they are accurate and complete, whether controlled substances are properly prescribed, and to identify any potential causes of concern with Respondent's overall prescribing.
 - b. Respondent shall arrange for the mentor to submit formal written reports to the Department Monitor at the address below, every other month, or as otherwise directed by the Department Monitor.
 - c. The professional mentor shall have no relationship that could reasonably be expected to compromise the ability of the professional mentor to render fair and unbiased reports to the Department. For purposes of this Order, a professional mentor shall be a physician or other health care professional holding a valid Wisconsin credential in a relevant health care field, who shall have read this Final Decision & Order, and who shall agree to be Respondent's professional mentor.
 - d. Respondent's professional mentor shall immediately report to the Department Monitor any action or inaction by the Respondent which may constitute unprofessional conduct—including any deficiency in prescribing or medical record keeping, any violation of this Order, or any other danger to the public or patient.
 - e. It is the responsibility of Respondent to promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order, including any failures of the professional mentor to conform to the terms and conditions of this Order.
5. Within ninety (90) days from the date of this Order, Siamak B. Arassi, M.D., shall pay the combined COSTS of these matters in the amount of \$6,150.

6. 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

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 reports and payment of costs as ordered, Respondent's license (41661-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the required reporting and 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

August 19, 2015
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SIAMAK B. ARASSI, M.D.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004202

Division of Legal Services and Compliance Case Numbers 11 MED 351 and 12 MED 224

Respondent Siamak B. Arassi, 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 pending investigations by the Division of Legal Services and Compliance. Respondent consents to the resolution of these investigations 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 Attorney Patrick J. Knight.
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 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.

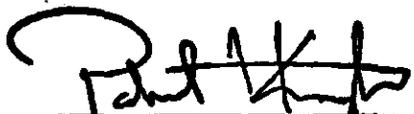
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Siamak B. Arassi, M.D., Respondent
4040 N. Calhoun Road, Suite 101
Brookfield, WI 53005
License no. 41661-20

7.15, 2015

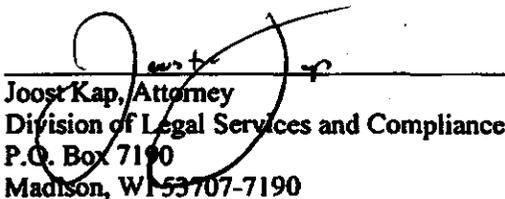
Date



Patrick J. Knight, Attorney for Respondent
Gimbel, Reilly, Guerin & Brown, LLP
330 E. Kilbourn Avenue, Suite 1170
Milwaukee, WI 53202

7/15/2015

Date



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

7/20/2015

Date