

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

GARRICK B. OLSEN, M.D.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
:

**0004394**

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Division of Legal Services and Compliance Case No. 15 MED 201

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

Garrick B. Olsen, M.D.  
1982 Nininger Road  
Hastings, MN 55033

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 Garrick B. Olsen, M.D. (dob July 1, 1969), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 44500-20, first issued on May 16, 2002, with registration current through October 31, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1982 Nininger Road, Hastings, Minnesota 55033.

2. On May 9, 2015, Minnesota Board of Medical Practice (Minnesota Board) issued an Order (Minnesota Order) reprimanding the Respondent. The basis for the reprimand involved Respondent's failure at times to do the following:

- a. document objective clinical findings to support the need to prescribe controlled substances;
  - b. document an overall treatment plan;
  - c. document an assessment of patient risk of chemical dependency, toxicity, diversion, or suicide;
  - d. document a review of the Minnesota Prescription Monitoring Program (PMP) before prescribing controlled substances;
  - e. refer patients to chemical dependence consultations;
  - f. adequately coordinate patient care with other health care providers;
  - g. implement controlled substance agreements and/or enforce the termination provisions when the terms of the agreements were violated; and
  - h. conduct routine pill counts and/or biological fluid screens to monitor patient compliance.
3. The Minnesota Order placed conditions on Respondent's license to practice medicine and surgery for a minimum of one year which included, in part, the following:
- a. Respondent shall maintain records that reflect the patient complaint, clinical findings, treatment plan, patient response to treatment and the prescriptions authorized;
  - b. Respondent shall develop and submit for approval by the Minnesota Complaint Review Committee (Committee) an action plan outlining how Respondent will implement controlled substance agreements for patients receiving eight or more prescriptions for controlled substances during a twelve month time period, implement and document query of the PMP prior to authorizing prescriptions for controlled substances and perform biological fluid screens for patients under controlled substance agreements;
  - c. Respondent shall submit to a random audit of his patient charts to be conducted by a representative of the Minnesota Board six months following approval of the above-referenced action plan at which time the Committee may recommend further audits as deemed appropriate; and
  - d. Respondent shall practice in a setting approved in advance by the Committee or its designee.
4. On May 15, 2015, Respondent submitted an action plan to the Committee.
5. The Minnesota Order included a provision that will allow Respondent to submit a written petition to the Minnesota Board for reinstatement of an unconditional license after one year; upon hearing the petition the Minnesota Board may continue, modify or remove the conditions in the Minnesota Order.
6. Respondent's current practice is primarily based in Minnesota. However, Respondent also currently has a more limited practice at Allina Health Prescott Clinic located at

1400 N. Acres Road in Prescott, Wisconsin, and at Prescott Nursing & Rehabilitation Center located at 1505 Orrin Road in Prescott, Wisconsin.

7. 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 Garrick B. Olsen, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(c) (October 2013) by having adverse action taken by another jurisdiction against his license to practice medicine and surgery.

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

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Garrick B. Olsen, M.D., is REPRIMANDED.

3. The medicine and surgery license issued to Garrick B. Olsen, M.D., (license number 44500-20) is LIMITED as follows:

a. Respondent is to maintain full and complete compliance with all terms, limitations, and conditions imposed by the Minnesota Board on his license to practice medicine in that state. Any violation of the Minnesota Order constitutes a violation of this Order and the Board may, without further notice or hearing, impose additional limitations or summarily suspend his license to practice in Wisconsin if the Board determines such action is advisable.

b. Respondent shall, within 48 hours of issuance, provide the Board with an authentic copy of any document issued by the Minnesota Board which continues, modifies, or removes the conditions of Respondent's continued practice of medicine in the state of Minnesota, including any document granting or denying, in whole or in part, reinstatement of Respondent's license to practice medicine and surgery in the state of Minnesota.

c. In the event Respondent applies for hospital privileges or seeks to practice medicine and surgery in the state of Wisconsin at any location other than Allina Health Prescott Clinic located at 1400 N. Acres Road in Prescott, Wisconsin, and/or at Prescott Nursing & Rehabilitation Center located at 1505 Orrin Road in Prescott, Wisconsin, he shall provide a copy of the Minnesota Order and this

Order along with any application he submits or request he makes pertaining to privileges or employment.

d. Respondent shall obtain a practice monitor, who is a licensed physician in the state of Wisconsin in good standing. The practice monitor may not be in practice with Respondent. Respondent shall request the practice monitor to submit quarterly reports regarding scope and performance appraisals by randomly reviewing seven (7) charts of patients and submitting independent reports to the Department Monitor evaluating the scope, appropriateness, and quality of medical care rendered by Respondent including evaluation of whether Respondent:

- i. maintains patient care records which reflect the patient complaint, clinical findings, treatment plan, patient response to treatment;
- ii. implements and utilizes controlled substance agreements for patients;
- iii. implements and documents query of the PDMP prior to authorizing prescriptions for controlled substances; and
- iv. performs biological fluid screening for patients under controlled substance agreements.

e. Respondent shall submit proof of compliance with the practice monitor requirement to the Department Monitor on a quarterly basis. The form of such proof shall be determined by the Department Monitor.

f. Respondent shall include a list of all practicing monitors with their contact information in Respondent's first report. Respondent shall notify the Department Monitor of any changes in subsequent reports.

g. Respondent shall not engage in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03 (October 2013) during the pendency of the Minnesota Order.

h. Upon Respondent providing proof sufficient to the Board, or its designee, that he has successfully complied with all terms and conditions of this Order, the Minnesota Order, and/or any subsequent order, and that his Minnesota license has been restored to full, unrestricted status, the Board or its designee shall remove the limitations set out in this Order.

4. Within ninety (90) days from the date of this Order, Respondent Garrick B. Olsen, M.D., shall pay COSTS of the matter in the amount of \$137.25.

5. Proof of compliance with the Minnesota Order 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:

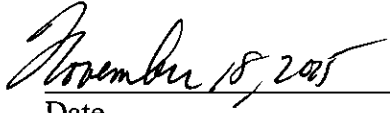
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services

P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order, including violations of the Minnesota Order, failure to notify the Board in advance of return to practice, or additional acts of unprofessional conduct, 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. 44500-20) 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.

WISCONSIN MEDICAL EXAMINING BOARD

by:   
A Member of the Board

  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

GARRICK B. OLSEN, M.D.,  
RESPONDENT.

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:  
:  
:  
:

STIPULATION

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0004394

Division of Legal Services and Compliance Case No. 15 MED 201

Respondent Garrick B. Olsen, 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 Attorney Kelly Putney.

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.

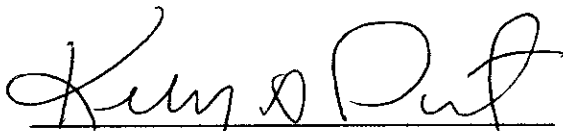
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Garrick B. Olsen, M.D., Respondent  
1982 Nininger Road  
Hastings, MN 55033  
License no. 44500-20

10/30/15

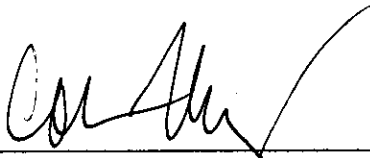
Date



Kelly Putney, Attorney for Respondent  
Bassford Remele  
33 South Sixth Street, Suite 3800  
Minneapolis, MN 55402-3707

11/3/15

Date



Colleen L. Meloy, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

11/6/15

Date