

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

NOSHEEN HASAN, M.D.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

0004552

Division of Legal Services and Compliance Case No. 13 MED 492 and 15 MED 310

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

Nosheen Hasan, M.D.
19325 Compton Lane
Brookfield, WI 53045-8129

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.

FINDINGS OF FACT

1. Respondent Nosheen Hasan, M.D. (DOB October 01, 1970), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 44667-20, first issued on July 02, 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 19325 Compton Lane, Brookfield, Wisconsin 53045-8129. Respondent is board certified by the American Board of Anesthesiology.

13 MED 492

2. At all times relevant to this proceeding, Respondent practiced as a physician at Center for Pain Management (CPM) located in Milwaukee, Wisconsin. Respondent is also part owner of CPM.

3. Between 2012 and 2014, Respondent prescribed controlled substances, opioid pain medications in particular, under some or all of the following circumstances:

- a. Respondent used very high doses of opioid pain medications for pain of non-malignant sources without documenting her reasoning regarding patient benefits of pain reduction and increased function potentially provided by the drugs and doses prescribed.
- b. Respondent did not perform or did not document a proper risk assessment for all new patients. Respondent asserts she took a patient history and inquired into prior use of opioid pain medications, but acknowledges she did not adequately document her vetting of her patients' presenting complaints, her review of imaging studies, or her consultations with other providers.
- c. Respondent failed to establish or failed to document clear pre-treatment goals which adequately justified indefinitely prescribing opioid pain medications.
- d. Although pain causing conditions were often identified, Respondent failed to identify or failed to document specific conditions for which opioid pain medications were prescribed.

15 MED 310

4. In 2015, Respondent's business partner proposed to lease a portion of his share of CPM for a pharmacy to be operated on-site as MidTown Pharmacy (MidTown).

5. Respondent objected to MidTown for what she perceived as security and diversion concerns, but it opened over her objections.

6. At the advice of her attorney, Respondent sent her patients a letter by which she urged them to avoid MidTown based on her perceived concerns. The letter stated:

Dear Patients,

Recently we were informed that an in-house pharmacy will be opening up in this building. **Center for Pain Management and myself have no affiliation and do not support MidTown Pharmacy.** Patients should continue refilling their prescriptions at their current pharmacy. Filling a prescription at MidTown pharmacy may result in an immediate discharge from Center for Pain Management.

(All emphasis in original)

7. Shortly after MidTown opened, Respondent posted signs throughout CPM advising her patients to not change their pharmacy, and that CPM does not support MidTown.

8. Respondent discharged at least one patient for using MidTown, as reflected in the discharge record, which reads:

Patient filled prescriptions at a pharmacy that he signed he would not fill at otherwise he would be discharged.

9. Respondent reports she has ceased the policy of potentially discharging patients for using MidTown, and has removed the above-described signs from CPM immediately upon notice from the Department.

10. By engaging in the conduct described above, Respondent used the doctor-patient relationship to enforce her well-intended objections to MidTown, inadvertently to the detriment of her patients who are free to choose the pharmacy that best suits their needs without fear of discharge by their medical provider.

11. In resolution of these matters, 13 MED 492 and 15 MED 310, 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 these matters 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 13 MED 492 which occurred on or before September 30, 2013, Respondent Nosheen Hasan, M.D., engaged in unprofessional conduct as defined by 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 patient or public.

3. By the conduct described in the Findings of Fact in 13 MED 492 which occurred on or after October 1, 2013, Respondent Nosheen Hasan, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(c) (Oct. 2013) by prescribing any prescription medication in a manner that is inconsistent with the standard of minimal competence.

4. By the conduct described in the Findings of Fact in 15 MED 310, Respondent Nosheen Hasan, M.D., violated Wis. Admin. Code § Med 10.01(2) by not ensuring that care of the patient is paramount, and not acting with respect for patient boundaries, and as such engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(1)(a) (Oct. 2013).

5. As a result of the above conduct, Nosheen Hasan, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Nosheen Hasan, M.D., is REPRIMANDED.
3. The medicine and surgery license issued to Nosheen Hasan, M.D., (license number 44667-20) is LIMITED as follows:
 - a. Within nine (9) months of the date of this Order, Respondent shall successfully complete ten (10) hours of education on the topic of responsible opioid prescribing.
 - b. Within nine (9) months of the date of this Order, Respondent shall successfully complete ten (10) hours of education on the topic of doctor-patient boundaries, with specific emphasis on patient choice of health care.
 - c. Respondent shall be responsible for obtaining the courses required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the courses from the Wisconsin Medical Examining Board, or its designee, prior to commencement of the courses.
 - d. The Board or its designee may reject any course and may accept any course for less than the number of hours for which Respondent seeks approval.
 - e. Within thirty (30) days of completion of each educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that she has attended, in its entirety, the courses approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.
 - f. This limitation shall be removed from Respondent's license, and Respondent will be granted a full, unrestricted license, after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.
 - g. Respondent is responsible for all costs associated with compliance with this educational requirement.
 - h. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.
4. Within ninety (90) days from the date of this Order, Nosheen Hasan, M.D., shall pay combined COSTS of these matters in the amount of \$3,040.00.

5. Proof of successful course completion 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

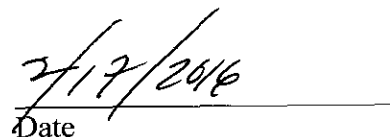
6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 44667-20) 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 and completion of the education.

7. 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

NOSHEEN HASAN, M.D.,
RESPONDENT.

STIPULATION

0004552

Division of Legal Services and Compliance Case No. 13 MED 492 and 15 MED 310

Respondent Nosheen Hasan, 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 or hearings 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(s) and to present briefs or oral
arguments to the officials who are to render the final decision(s);
- 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 Sean Gaynor of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP.


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 matters 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.

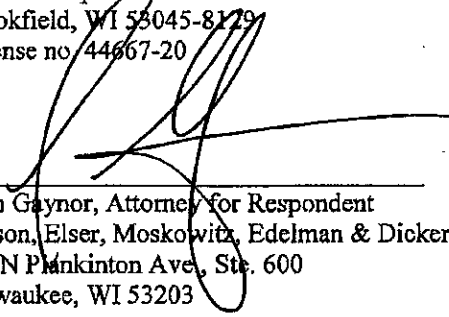
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Nosheen Hasan, M.D., Respondent
19325 Compton Lane
Brookfield, WI 53045-8129
License no. 44667-20

2/8/16

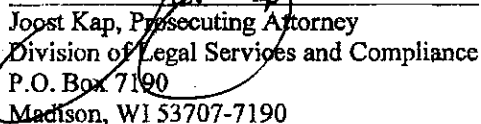
Date



Sean Gaynor, Attorney for Respondent
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP
740 N Pinkerton Ave., Ste. 600
Milwaukee, WI 53203

2/8/16

Date



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

2/8/16

Date