

## 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 :  
 : FINAL DECISION AND ORDER  
EARL L. ANDERSON, M.D., :  
RESPONDENT. :

0004612

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Division of Legal Services and Compliance Case No. 14 MED 250

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

Earl L. Anderson, M.D.  
710 Riverside Drive  
Waupaca, WI 54981

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 Earl L. Anderson, M.D. (DOB December 10, 1954), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 26741-20, first issued on July 01, 1985, 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 710 Riverside Drive, Waupaca, Wisconsin 54981. Respondent is board certified in Family Medicine – General by the American Board of Family Medicine.

2. At all times relevant to this proceeding, Respondent was employed as a physician at a medical facility (clinic) located in Neenah, Wisconsin.

3. On June 25, 2014, Department staff on behalf of the Board, sent Respondent a request via mail for a statement regarding a complaint alleging that he prescribed a controlled substance to a patient (Patient A) on an ongoing basis without office visits or documentation regarding the encounters. Respondent failed to respond to the Department's June 25, 2014 request for information.

4. On November 4, 2014, Department staff sent an email to Respondent requesting a statement regarding the complaint and the lack of response to the initial June 25, 2014 letter.

5. On November 10, 2014, Respondent replied via email stating he never received the Department's June letter. On November 19, 2014, he submitted a written response via email.

6. During an April 6, 2015 telephone interview conducted by a Department investigator, Respondent acknowledged treating multiple patients outside of the clinic, including Patient A, and failing to document his treatment of those patients. Respondent reported treating Patient A, whose parents were family friends, outside of the clinic to help Patient A avoid the cost of treatment.

7. During the April 6<sup>th</sup> interview, Respondent also admitted calling in a prescription for hydrocodone<sup>1</sup> for another patient, Patient B, after seeing him outside of the office.

8. On April 10, 2015, Respondent sent an email regarding the names of other individuals he treated without documentation or office visits. When Department staff requested more detailed information about those patients, Respondent failed to reply.

9. Respondent failed to reply to two additional Department requests for information dated April 22, 2015 and May 5, 2015.

10. When Department's staff sent a follow up email on June 2, 2015, Respondent replied on June 6, 2015, stating that he never received any of the three previous emails from the Department and that he was not intentionally avoiding the Department.<sup>2</sup>

11. In the above-referenced communication, Respondent provided a statement detailing prescribing for which he failed to maintain patient records, including the following:

| <b>Patient</b> | <b>Duration</b>                                     | <b>Controlled Substance Prescribed</b> |
|----------------|---|--|
| M.B.           | November 2012 to April 2015 (6 different occasions) | testosterone <sup>3</sup>              |
| F.R.           | March 27, 2015                                      | Hydrocodone-Chlorphen                  |

<sup>1</sup> Hydrocodone (including hydrocodone combinations) is a Schedule II controlled substance pursuant to Wis. Stat. § 961.16 (2)(a)7.

<sup>2</sup> All emails, the ones Respondent replied to, and the ones he did not reply to were sent to the same email address.

<sup>3</sup> Testosterone is a Schedule III controlled substance pursuant to Wis. Stat. § 961.18(7)(v)

|      |   |  |
|------|---|--|
| S.T. | December 26, 2013 and December 30, 2014 | Hydrocodone-Acetaminophen                        |
| E.R. | October 23, 31 and November 7, 2013     | hydrocodone-acetaminophen                        |
| E.R. | July 18, 2014                           | morphine <sup>4</sup> and lorazepam <sup>5</sup> |
| E.R. | March 10, 2014                          | tramadol HCL <sup>6</sup>                        |

12. 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 Earl L. Anderson, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(a) (Nov. 2002) and § Med 10.03(1)(a) (Oct. 2013) by failing to indicate on a patient's medical record he has communicated to the patient reasonable alternate modes of treatment in violation of Wis. Admin. Code § Med 18.05.

3. By the conduct described in the Findings of Fact, Respondent Earl L. Anderson, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(h) (Nov. 2002) and § Med 10.03(2)(b) (Oct. 2013) by practice or conduct which tends to constitute a danger to the health, welfare, or safety of patient or public.

4. By the conduct described in the Findings of Fact, Respondent Earl L. Anderson, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(za) (Nov. 2002) and § Med 10.03(3)(e) (Oct. 2013) by failing to maintain patient health care records consistent with the requirement of ch. Med 21.

5. By the conduct described in the Findings of Fact, Respondent Earl L. Anderson, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(c) (Oct. 2013) by prescribing a prescription medication in a manner that is inconsistent with the standard of minimal competence.

6. By the conduct described in the Findings of Fact, Respondent Earl L. Anderson, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(g)

<sup>4</sup> Morphine is a Schedule II controlled substance pursuant to Wis. Stat. § 961.16 (2)(a)10.

<sup>5</sup> Lorazepam is a Schedule IV controlled substance pursuant to Wis. Stat. § 961.20 (2)(er).

<sup>6</sup> Tramadol HCL is a Schedule IV controlled substance pursuant to Wis. Stat. § 961.20 (4)(e) as of August, 2014.

(Oct. 2013) by failing to cooperate in a timely manner with the board's investigation of a complaint filed against him.

7. As a result of the above conduct, Earl L. Anderson, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Earl L. Anderson, M.D., is REPRIMANDED.
3. The medicine and surgery license issued to Earl L. Anderson, M.D., (license number 26741-20) is LIMITED as follows:
  - a. Within nine (9) months of the date of this Order, Respondent shall successfully complete 25 hours of education on the topic of responsible opioid prescribing, 20 hours on the topic of professional ethics and boundaries, and 17 hours on the topic of medical record keeping/documentation.
  - b. Respondent shall NOT prescribe controlled substances until Respondent provides satisfactory demonstration to the Department Monitor of successful completion of the above-mandated course(s) in responsible opioid prescribing.
  - c. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course(s) descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Wisconsin Medical Examining Board, or its designee, prior to commencement of the course(s).
  - d. The following courses are preapproved:
    - Opioid Prescribing:
      - Intensive Course in Controlled Substance Prescribing, Case Western Reserve University School of Medicine.
      - Physician Prescribing Course, University of California, San Diego School of Medicine.
      - Prescribing Controlled Drugs: Critical Issues & Common Pitfalls of Misprescribing, University of Florida College of Medicine, Department of Psychiatry.
      - Prescribing Controlled Drugs, Vanderbilt University School of Medicine and the Center for Professional Health.

- Professional Ethics and Boundaries:
  - Professional Renewal in Medicine through Ethics (PRiME), Center for Continuing Education and Outreach Education at Rutgers Biomedical and Health Sciences and BioEthics Consulting, LLC.
  - Professional/Problem Based Ethics (ProBE), Competency Assessment Educational Intervention, Denver, Colorado.
- Record Keeping/ Documentation:
  - Intensive Course in Medical Record Keeping with Individual Preceptorships, Case Western Reserve University, Continuing Medical Education Program, Cleveland, Ohio.
  - Medical Record Keeping Course, University of California at San Diego, School of Medicine.

e. The Board or its designee may reject any course(s) and may accept a course(s) for less than the number of hours for which Respondent seeks approval.

f. Within thirty (30) days of completion of each educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that he has attended, in its entirety, the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.

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.

i. 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.

4. Within ninety (90) days from the date of this Order, Earl L. Anderson, M.D., shall pay COSTS of this matter in the amount of \$2261.00.

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:

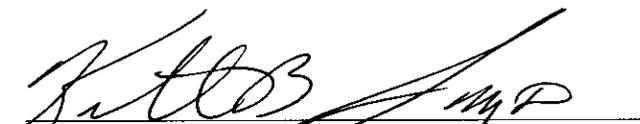
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

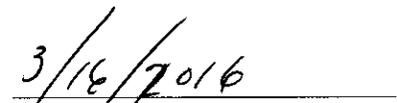
6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline 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. 26741-20) 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

EARL L. ANDERSON, M.D.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

0004612

Division of Legal Services and Compliance Case No. 14 MED 250

Respondent Earl L. Anderson, 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. Respondent is represented by Attorney Gina Meierbachtol.

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  
Earl L. Anderson, M.D., Case No. 14 MED 250

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.

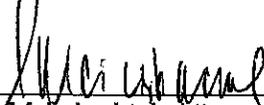
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

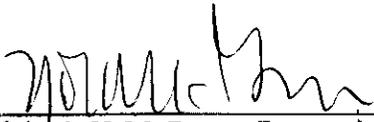
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Earl L. Anderson, M.D., Respondent  
710 Riverside Drive  
Waupaca, WI 54981  
License No. 26741-20

2/25/16  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Gina D. Meierbachtol, Attorney for Respondent  
Cornille Law Group, LLC  
615 S. Monroe Avenue  
Green Bay, WI 54301

2/26/16  
\_\_\_\_\_  
Date

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

3/1/16  
\_\_\_\_\_  
Date