

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
JOSE G. ARAUJO, M.D., :
RESPONDENT. :

0005379

Division of Legal Services and Compliance Case No. 15 MED 239

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

Jose G. Araujo, M.D.
11803 W. North Avenue
Wauwatosa, WI 53226

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 Jose G. Araujo, M.D. (DOB January 27, 1953), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 28823-20, first issued on August 19, 1987, 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 11803 W. North Avenue, Wauwatosa, Wisconsin 53226.

2. Respondent is a registered Suboxone prescriber and his practice areas include addiction medicine and pathology.

12 MED 262

3. On December 11, 2013, the Wisconsin Medical Examining Board (Board) issued a Final Decision and Order (FDO) in case no. 12 MED 262. The FDO reflects that Respondent engaged in unprofessional conduct by failing to document an appropriate history and physical examination, failing to contact prior providers, failing to coordinate care with concurrent providers, and failing to document appropriate responses to aberrant urine drug screens, all while prescribing controlled substances including opioids and stimulants.

4. The FDO imposed a reprimand and limited Respondent's medical license as follows:

- a. "Respondent shall not order, prescribe, or administer any controlled substance (except buprenorphine) until he has demonstrated successful completion of one of the following programs, or a program which is substantially equivalent and has been preapproved by the Board or its designee: Intensive Course in Controlled Substance Prescribing, Case Western Reserve University School of Medicine..."
- b. "Respondent shall practice only under the oversight of a Professional Mentor approved by the Board... Oversight by the Professional Mentor shall include weekly meetings, review of charts selected by the Professional Mentor... Respondent shall arrange for his Professional Mentor to provide formal written reports to the Department Monitor on a quarterly basis..."

5. Respondent satisfied the terms of the FDO and the Board fully reinstated his medical license on January 21, 2016.

15 MED 239

6. This current matter stems from a pharmacist complaint alleging Respondent inappropriately prescribed stimulants to Patient A, a female born in 1962. The Department gathered information from the Prescription Drug Monitoring Program and obtained certified medical records of care Respondent provided to Patient A on a monthly basis between August 9, 2012 and August 8, 2015.

7. On August 9, 2012, Patient A presented to Respondent for narcotic addiction. Patient A disclosed having regularly used opioids until 2011 at which point she switched to illicitly obtained methadone to avoid withdrawal. Respondent assessed opioid dependence, moderate depression, and obesity. Respondent administered a urine drug screen and required that Patient A sign a Suboxone Patient Treatment Contract, a Supplemental Treatment Contract, and a treatment consent form. He then prescribed Suboxone and Lexapro to Patient A.

8. On at least three occasions, one each in 2013, 2014 and 2015, Respondent recommended Patient A seek treatment from an AODA counselor, but Patient A did not follow through.

9. Respondent required that Patient A undergo a urine drug screen for 13 possible drugs at every one of the 39 appointments reflected in the medical records. On one occasion, Patient A had an unexpected result for a benzodiazepine. Respondent questioned Patient A, who reported marital distress had caused her to take a Xanax. Respondent then prescribed Xanax 1mg #15, to take at night “for a short time.” Patient A reported benefit so Respondent issued one more prescription for Xanax 1mg #80, but thereafter did not prescribe it again.

10. On June 30, 2014, Patient A presented to Respondent and first complained of difficulties with concentration, focus, organization, and completing tasks. Patient A completed an “Adult ADHD Self-Report Scale Symptom Checklist” and Respondent prescribed once daily Adderall XR 10mg #30.

11. On July 14, 2014, Patient A reported no significant improvement so Respondent prescribed Adderall XR 20mg #15, which accounted for the pills Patient A should have had left over from the first prescription.

12. On July 23, 2014, Patient A reported continued loss of focus so Respondent prescribed Adderall XR 25mg #30, which failed to account for the pills Patient A should have had left over from the July 14 prescription.

13. On August 13, 2014, Patient A complained about feeling less motivated and less effective as the day progressed so Respondent prescribed Adderall XR 30mg #30, which failed to account for the pills Patient A should have had left over from the July 23 prescription.

14. On September 5, 2014, Patient A reported improvement to her organization, focus, and concentration so Respondent prescribed Adderall XR to 25mg #30, which failed to account for the pills Patient A should have had left over from the August 13 prescription.

15. On September 5, 2014, at Patient A’s request, Respondent prescribed Adderall XR 30mg #30, which failed to account for the pills Patient A should have had left over from the August 13 prescription.

16. This pattern of changing doses of Adderall XR prescribed before completing the previous prescription, and without accounting for leftover pills, continued throughout the records reviewed.

17. 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 Jose G. Araujo, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(c) by prescribing, ordering, dispensing, administering, supplying, selling, giving, or obtaining any

prescription medication in any manner that is inconsistent with the standard of minimal competence.

3. As a result of the above violations, Jose G. Araujo, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

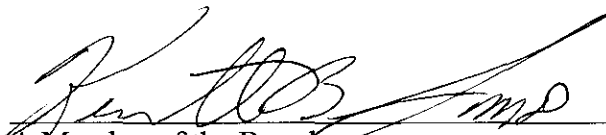
1. The attached Stipulation is accepted.
2. Respondent Jose G. Araujo, M.D., is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,875.00.
4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

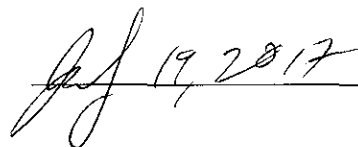
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. In the event Respondent violates any term of this Order, Respondent's license (no. 28823-20), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

JOSE G. ARAUJO, M.D.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0005379

Division of Legal Services and Compliance Case No. 15 MED 239

Respondent Jose G. Araujo, 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 Jeffrey Nichols.

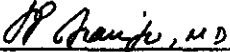
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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.




Jose G. Araujo, M.D., Respondent
11803 W. North Avenue
Wauwatosa, WI 53226
License no. 28823-20

6/30/17
Date



Jeffrey Nichols, Attorney for Respondent
Cheyenne Carlson, SC
710 N. Plankinton Avenue, Suite 500
Milwaukee, WI 53203

7-6-17
Date



Janet Kay, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

7/10/17
Date