

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
: FINAL DECISION AND ORDER
: FOR REMEDIAL EDUCATION
JOHN MURPHY, M.D., :
LICENSEE. : **0005918**

Division of Legal Services and Compliance Case No. 17 MED 104

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

John Murphy, M.D.
W231 N1440 Corporate Court
Waukesha, WI 53186

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. Licensee John Murphy, M.D. (DOB November 5, 1957) is licensed by the State of Wisconsin to practice medicine and surgery, having license number 30148-20, first issued on April 20, 1989, with registration current through October 31, 2019. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W231 N1440 Corporate Court, Waukesha, Wisconsin 53186.
2. Licensee is a board certified internal medicine physician.
3. On April 23, 2012, Licensee began treating Patient A, a female born in 1936.

4. Between April 2012 and June 2017, Licensee prescribed Patient A acetaminophen-codeine, 300-60 mg tablets, a schedule II controlled substance, for Patient A's migraine headaches. Patient A was directed to take the medication every four hours as needed with a maximum dosage of eight (8) pills a day.

5. At no time did Licensee require Patient A to sign a pain contract or submit to a urine drug screen.

6. Licensee was advised by Patient A's pharmacy on multiple occasions that Patient A required two (2) prescriptions because her insurance would not cover the quantity that Licensee prescribed. Patient A would run one prescription under her insurance and would pay cash for the other prescription.

7. In April of 2017, Patient A's family filed a complaint with the Department regarding the Licensee's prescribing practice. The complaint expressed that Patient A had issues with balance while taking acetaminophen-codeine. At one point, Patient A had slurred speech and fell several times.

8. Licensee denies being informed by Patient A of the side effects from taking acetaminophen-codeine.

9. On May 1, 2017, Licensee tapered Patient A's acetaminophen-codeine daily maximum dosage from eight (8) to seven (7) pills a day after a neurologist questioned whether the current dosage was causing an analgesic headache.

10. On July 24, 2017, Licensee informed Patient A that he would not refill the acetaminophen-codeine without an office visit with both Patient A and her daughter present.

11. On August 18, 2017, Licensee told Patient A that he would no longer prescribe narcotics to her.

12. Licensee denies engaging in inappropriate prescribing of controlled substances to Patient A, but consents to the entry of the following Conclusions of Law and Order.

13. This Order does not constitute disciplinary action.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. Within six (6) months of the date of this Order, John Murphy, M.D. shall at Licensee's own expense take and successfully complete ten (10) hours of education in appropriate opioid prescribing as follows:

- a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course(s) from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
- b. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.

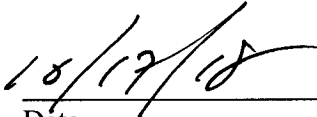
3. Requests for course approval and proof of successful course completion shall be sent by Licensee to the Department Monitor at the address below:

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

4. 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 THE LICENSE OF :
 :
JOHN W. MURPHY, M.D. : STIPULATION
LICENSEE :
 : **0005918**
 :

Division of Legal Services and Compliance Case No. 17 MED 104

Licensee John W. Murphy, 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. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order for Remedial Education without further notice, pleading, appearance or consent of the parties. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

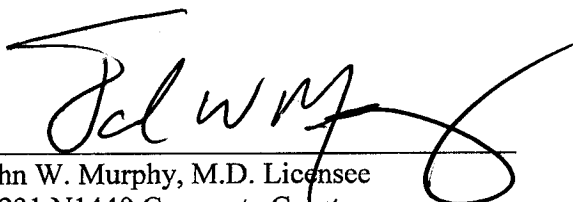
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

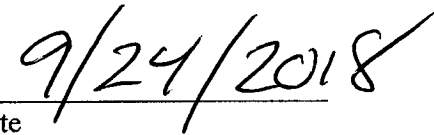
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee, for purposes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

7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education is a public record and will be published in accordance with standard Department procedure.

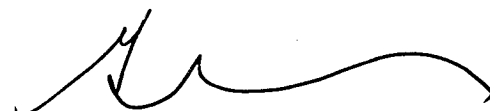
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.



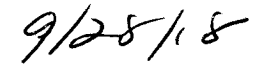
John W. Murphy, M.D. Licensee
W231 N1440 Corporate Court
Waukesha, WI 53186
License No. 30148-020




Date



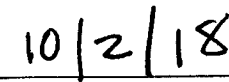
Lori Gendelman, Attorney for Licensee
Otjen, Gendelman, Zitzer, Johnson & Weir, S.C.
20935 Swenson Drive, Suite 310
Waukesha, Wisconsin 53186



Date



Elizabeth K. Bronson, Attorney
Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190



Date