

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
BARBARA J. GONZALES, M.D., :
RESPONDENT. :

0006140

Division of Legal Services and Compliance Case No. 18 MED 001

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

Barbara J. Gonzales, M.D.
3318 West Ruskin Street
Milwaukee, WI 53215

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 Barbara J. Gonzales, M.D., (D.O.B. March 29, 1970) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 46017-20, first issued on September 2, 2003, with registration current through October 31, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3318 West Ruskin Street, Milwaukee, Wisconsin 53215.

2. Between February 2015, and January 2016, Respondent was employed as an internist at a clinic (Clinic) in Milwaukee, Wisconsin. Respondent returned on July 5, 2016, as the medical director for the Clinic. On January 31, 2018, Respondent resigned from her position at the Clinic.

3. Between September 23, 2013, and June 22, 2017, Patient A, a female born in 1968 with a history of chronic neck pain and rheumatoid arthritis, was seen at the Clinic for pain management. While a patient at the Clinic, Patient A was prescribed opioids by several providers. Respondent prescribed to Patient A on (2) two separate occasions during this time.

4. Prior to treating at the Clinic, Patient A received pain management through another facility where Patient A was managed with alternative modalities in addition to opioids. The Clinic received Patient A's health care records from this facility, which indicated that Patient A had a history of cocaine abuse.

5. Beginning June 3, 2015, Physician Assistant A became the pain management provider who saw Patient A monthly at the Clinic. Respondent is listed with the Department as one of Physician Assistant A's supervisors from February 1, 2015, through Patient A's last office visit at the Clinic.

6. On June 3, 2015, Physician Assistant A prescribed Patient A one (1) month prescriptions of one hundred twenty (120) oxycodone 10 mg tablets and sixty (60) methadone 5 mg tablets. Patient A was directed to take the oxycodone four (4) times a day and the methadone twice a day.

7. On June 8, 2015, Patient A stated she lost her methadone prescription. Physician Assistant A prescribed Patient A one (1) month prescription of ninety (90) tramadol 50 mg tablets to be taken three times a day.

8. On July 24, 2015, Physician Assistant A received a letter from the State of Wisconsin Department of Health Services stating that Patient A was receiving oxycodone and tramadol, which may result in increased depression and/or seizures. Enclosed with the letter was a list of multiple diagnoses for Patient A, which included the diagnosis of "cocaine dependence episodic."

9. On June 28, 2016, Physician Assistant A saw Patient A for an office visit. Patient A submitted to a urine drug screen, which was positive for ethanol. Physician Assistant A prescribed Patient A one (1) month prescriptions of ninety (90) oxycodone 15 mg tablets and sixty (60) methadone 5 mg tablets.

10. On July 26, 2016, Physician Assistant A saw Patient A for an office visit. Physician Assistant A failed to discuss with Patient A the positive urine drug screen from June 28, 2016, nor did Physician Assistant A document it in Patient A's chart. Physician Assistant A prescribed Patient A one (1) month prescriptions of ninety (90) oxycodone 15 mg tablets and sixty (60) methadone 5 mg tablets. At this office visit, Patient A submitted to another urine drug screen, which was also positive for ethanol.

11. On August 25, 2016, due to Physician Assistant A's absence, Respondent saw Patient A at the Clinic for the first time. Respondent documented Patient A's positive urine drug screen for ethanol from July 26, 2016. Respondent ordered Patient A to undergo alcohol abuse counseling and documented that she suspected Patient A to be low risk. Respondent prescribed Patient A one (1) week prescriptions of twenty-one (21) oxycodone 15 mg tablets and fourteen (14) methadone 5 mg tablets.

12. The positive ethanol drug screen from June 28, 2016, was never documented or discussed with the patient by Physician Assistant A or Respondent.

13. On September 14, 2016, while in substance abuse counseling, Patient A submitted to a urine drug screen. The initial screen was negative for methadone, even though Patient A had a current prescription for methadone 5 mg tablets, twice a day. Physician Assistant A continued Patient A's methadone prescription at this office visit.

14. On October 5, 2016, Physician Assistant A saw Patient A for an office visit. Respondent was consulted and authorized a dosage increase of Patient A's methadone prescription from 5 mg twice a day to 10 mg twice a day, despite the negative result for methadone in the results from the September 14, 2016, drug screen.

15. On June 22, 2017, Patient A presented for an office visit with Physician Assistant A. Physician Assistant A prescribed Patient A one (1) month prescriptions of one hundred twenty (120) oxycodone 15 mg tablets and sixty (60) methadone 10 mg tablets.

16. On June 22, 2017, a pharmacy dispensed one hundred twenty (120) oxycodone tablets to Patient A. Patient A did not fill her new methadone prescription, as she filled sixty (60) methadone 10 mg tablets on June 10, 2017.

17. On June 23, 2017, Patient A died. At the time of her death, the bottle of oxycodone 15 mg tablets that was filled on June 22, 2017, contained only fourteen (14) tablets.

18. On June 26, 2017, an autopsy was performed. The Medical Examiner attributed her death to acute mixed drug intoxication of oxycodone and methadone.

19. During Patient A's care and treatment, Respondent never requested Patient A to submit to a pill count, nor did she document Patient A's history of cocaine abuse and/or query Patient A about when she last used cocaine.

20. Respondent successfully completed ten (10) continuing medical education (CME) hours on the topic of opioid prescribing, including:

- a. February 9, 2019: The Wisconsin Medical Society - *Interacting with the Drug-Seeking Patient*, for 1 hour AMA PRA Category 1 credit(s);
- b. February 9, 2019: The Wisconsin Medical Society - *How to Decrease Prescription Drug Abuse: The What, Why, and How*, for 1 hour AMA PRA Category 1 credit(s);
- c. February 9, 2019: The Wisconsin Medical Society - *The Opioid Epidemic and the Clinical Prescriber: Response to Opioid Over-Prescribing*, for 1.5 hours AMA PRA Category 1 credit(s);
- d. February 10, 2019: The Wisconsin Medical Society - *Alternatives to Opioids in Treating Acute and Chronic Pain*, for 2 hours AMA PRA 1 credit(s);

- e. February 10, 2019: The Wisconsin Medical Society -, *Identifying Opioid Abuse Risk in the Chronic Pain Patient: Techniques for Mastering Accuracy*, for 1 hour AMA PRA Category 1 credit (s);
- f. February 10, 2019: The Wisconsin Medical Society - *Drug Testing and Clinical Practice: The Science and Art of Drug Monitoring*, for 1 hour AMA PRA Category 1 credit(s);
- g. February 10, 2019: The Wisconsin Medical Society - *Legal Requirements for Opioid Prescribing in Wisconsin*, for 0.5 hour AMA PRA Category 1 credit(s); and
- h. February 10, 2019: The Wisconsin Medical Society - *Wisconsin Medical Examining Board Opioid Prescribing Guidelines*, for 2 hours AMA PRA Category 1 credit(s).

21. In resolution of this matter, Respondent denies any wrongdoing, but 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 Barbara J. Gonzales, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(1)(L) by failing to adequately supervise delegated medical acts performed by a licensed physician assistant.
3. As a result of the above conduct, Barbara J. Gonzales, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Barbara J. Gonzales, M.D., is REPRIMANDED.
3. The Board recognizes and accepts the successful completion of the above-described CME credits as the equivalent of the education it would have otherwise ordered. None of these education credits may be used to satisfy any 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, Barbara J. Gonzales, M.D., shall pay COSTS of this matter in the amount of \$2,388.00.

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

You may also submit this information online via DSPS' Monitoring Case Management System, here:

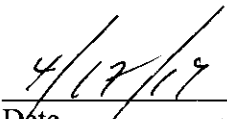
<https://app.wi.gov/DSPSMonitoring>

6. In the event Respondent violates any term of this Order, Respondent's license (no. 46017-20), or Respondent's right to renew her 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.

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

BARBARA J. GONZALES, M.D.,
RESPONDENT.

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:
:
:
:

STIPULATION

0006140

Division of Legal Services and Compliance Case No. 18 MED 001

Respondent Barbara J. Gonzales, 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 Michael Levine.

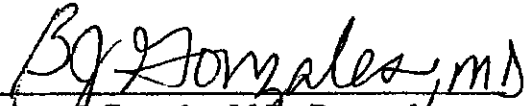
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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

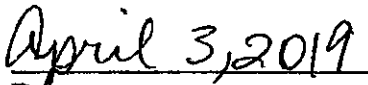
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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.

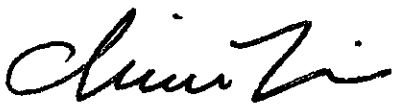
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's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

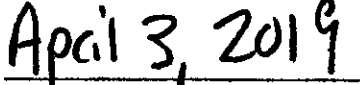
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

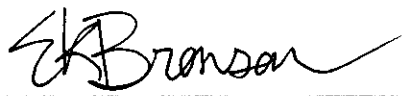
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

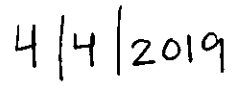

Barbara J. Gonzales, M.D., Respondent
3318 West Ruskin Street
Milwaukee, Wisconsin 53215
License no. 46017-20


Date


Michael Levine, Attorney for Respondent
Law Offices of Robert A. Levine
630 North Broadway
Milwaukee, WI 53202


Date


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


Date