

## 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 THE LICENSE OF :  
 :  
 : FINAL DECISION AND ORDER  
 : FOR REMEDIAL EDUCATION  
BRANDON J. REBHOLZ, M.D. :  
 LICENSEE. : **0086141**

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Division of Legal Services and Compliance Case No. 18 MED 224

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

Brandon J. Rebholz, M.D.  
9200 W. Wisconsin Ave.  
Milwaukee, 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. Licensee Brandon J. Rebholz, M.D., (DOB May 4, 1975) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 51083-20, first issued on November 20, 2007, 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 9200 West Wisconsin Avenue, Milwaukee, Wisconsin 53226.

2. Licensee is an orthopedic spine surgeon, and has no prior disciplinary history with the Board

3. On March 30, 2018, Patient A, a female born in 1988 with a history of low back pain, was referred by her primary care provider to Licensee's practice for an initial evaluation. A physician assistant under Licensee's supervision evaluated Patient A. The physician assistant recommended a repeat MRI of the lumbar spine, continued Patient A's gabapentin, and provided a referral to physical therapy. It was documented that Patient A's medical history was significant for heroin addiction and IV drug abuse, with Patient A reporting last use about one and a half years prior.

4. On April 17, 2018, Patient A was seen and evaluated by a physician assistant under Licensee's supervision in a follow-up office visit. Patient A's MRI demonstrated a new right paramedian L4-5 disc herniation that compressed the L5 nerve root. It was recommended that Patient A continue physical therapy and medications. Patient A was also referred to her pain management provider for an epidural steroid injection.

5. On May 10, 2018, Patient A was seen and evaluated by Licensee in a follow-up office visit. Despite conservative treatment, Patient A had persistent pain. Licensee recommended a right sided L4-5 microdiscectomy and micro decompression. Patient A was also referred for an anesthesia consult for a pre-operative assessment.

6. On June 8, 2018, Licensee performed an L4-L5 microdiscectomy and micro decompression. Patient A was discharged the same day with a prescription for one (1) to two (2) oxycodone 5 mg tablets, every four (4) hours as needed for fifteen (15) days.

7. On June 8, 2018, Patient A filled a prescription written by the nurse practitioner under Licensee's supervision for one hundred eighty (180) oxycodone 5 mg tablets.

8. On June 9, 2018, Patient A was taken to the emergency room for cardiopulmonary arrest secondary to narcotic overdose, after having injected heroin that morning.

9. On June 10, 2018, Patient A died from multidrug toxicity. The autopsy report indicated that one hundred sixty-seven (167) tablets of oxycodone remained at the time of death. The toxicology report confirmed the presence of heroin and oxycodone in her system.

10. In resolution of this matter, Licensee denies engaging in inappropriate prescribing of controlled substances, but consents to the entry of the following Conclusions of Law and Order.

#### 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, Brandon J. Rebholz, M.D. shall at Licensee's own expense take and successfully complete ten (10) hours of education on 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:

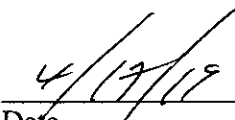
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

You may also submit this information online via DSPS' Monitoring Case Management System, here: <https://app.wi.gov/DSPSMonitoring>

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

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IN THE MATTER OF THE LICENSE OF :  
 :  
BRANDON J. REBHOLZ, M.D., : STIPULATION  
LICENSEE. :  
 : **0006141**

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Division of Legal Services and Compliance Case No. 18 MED 224

Licensee Brandon J. Rebholz, 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. Licensee is represented by Attorney Jill M. Munson.

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.



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Brandon J. Rebholz, M.D., Licensee  
9200 W. Wisconsin Ave.  
Milwaukee, WI 53226  
License No. 51083-20

3/21/2019

\_\_\_\_\_  
Date



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Jill M. Munson, Attorney for Respondent  
Hinshaw & Culbertson, LLP  
100 East Wisconsin Ave, Suite 2600  
Milwaukee, WI 53202

3/21/2019

\_\_\_\_\_  
Date



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

3/21/2019

\_\_\_\_\_  
Date