

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
DOMINIC B. DRAPER, M.D., :
LICENSEE. : **ORDER 0006249**

Division of Legal Services and Compliance Case No. 17 MED 282

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

Dominic B. Draper, M.D.
S110W20938 S. Denoon Rd.
Muskego, WI 53150

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 Dominic B. Draper, M.D., (DOB December 27, 1976) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 62162-20, first issued on April 16, 2014, 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 S110W20938 S. Denoon Road, Muskego, Wisconsin 53150.

2. Licensee is a primary care provider with no history of prior discipline with the Board.

3. On January 7, 2016, Licensee saw Patient A, a female born in 1983, in an office visit for establishment of care. She complained of digestive tract issues. Patient A had a past medical history that included asthma and sciatica. Patient A had an active prescription for hydrocodone-acetaminophen 7.5-325 mg tablets, which licensee discontinued per patient's choice at this visit. Licensee was unsure of the etiology of the abdominal pain and ordered labs, refilled Patient A's albuterol and started her on a steroid inhaler.

4. On August 4, 2016, Licensee saw Patient A in an office visit for a complaint of bilateral lower back pain with some radiation down her right leg. Patient A had limited range of motion in her back and tenderness bilaterally at L3-L4. Patient A stated she did not have an MRI performed due to the costs. Licensee promoted getting an MRI through a chiropractor, as a possible affordable option. Licensee's diagnosis for Patient A was chronic bilateral low back pain with right sided sciatica. Licensee prescribed 30 cyclobenzaprine 5 mg tablets (one to three tablets per day as needed), 60 hydrocodone-acetaminophen 7.5-325 mg tablets (one to two tablets per day as needed), and 30 prednisone 10 mg tablets (five tablets for six days).

5. Between September 12, 2016, and March 6, 2017, on seven occasions Licensee authorized refills for Patient A's prescription for 60 hydrocodone-acetaminophen 7.5-325 mg tablets without an office visit.

6. On April 10, 2017, Licensee saw Patient A in an office visit for sciatica. Patient A was hesitant about imaging and further intervention. Patient A has not tried physical therapy but is active as a yoga instructor. She requested a refill of her pain medication. Licensee discussed the need for imaging or pain clinic establishment, as well as a pain contract. Licensee authorized a refill for Patient A's prescription of 60 hydrocodone-acetaminophen 7.5-325 mg tablets (one to two tablets per day).

7. Between May 8, 2017, and June 5, 2017, on two occasions Licensee prescribed 60 hydrocodone-acetaminophen 7.5-325 mg tablets without an office visit.

8. On July 5, 2017, Patient A's mother called Licensee's office and reported that Patient A was in detox for drug and alcohol abuse.

9. On August 22, 2017, Licensee refilled Patient A's prescription for 60 hydrocodone-acetaminophen 7.5-325 mg tablets without an office visit.

10. On August 25, 2017, Patient A's husband called Licensee's office and reported that Patient A was using the prescription from Licensee in a recreational manner. Licensee advised Patient A's husband to obtain a police report and provide a copy to the office.

11. Patient A did not attend her follow up appointments scheduled with Licensee for August 31, 2017, and September 7, 2017. Letters were sent to Patient A regarding these missed follow up appointments.

12. On October 2, 2017, Licensee rejected a request from Patient A to refill her pain medication. Licensee has not treated Patient A since this request.

13. 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, Dominic B. Draper, 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

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

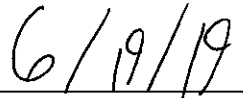
4. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by:



A Member of the Board



Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
 :
DOMINIC B. DRAPER, M.D., : STIPULATION
LICENSEE. :
 : **ORDER 0006249**

Division of Legal Services and Compliance Case No. 17 MED 282

Licensee Dominic B. Draper, 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

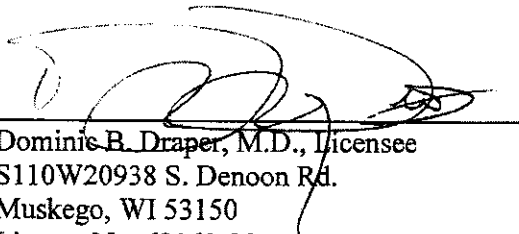
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not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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.



Dominic B. Draper, M.D., Licensee
S110W20938 S. Denoon Rd.
Muskego, WI 53150
License No. 62162-20

5/17/2019
Date



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

5/20/2019
Date