

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>

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3. Between September 23, 2013, and June 22, 2017, Patient A, a female born in 1968, was seen at the Clinic for pain management. Patient A had a history of chronic neck pain and rheumatoid arthritis.

4. The Clinic received Patient A's health care records from a prior treater, which indicated that Patient A had a history of cocaine abuse. Notwithstanding this information, the treating physicians at the Clinic elected to continue opioid therapy before Patient A was seen by Respondent.¹ Patient A never tested positive for cocaine while under Respondent's care.

5. On November 24, 2014, Respondent saw Patient A for the first time because Patient A's regular P.A. was not available. Respondent continued the existing plan of care and prescribed Patient A one (1) month of ninety (90) oxycodone-acetaminophen 10 mg tablets and sixty (60) methadone 5 mg tablets. Patient A was directed to take the oxycodone-acetaminophen three (3) times a day and the methadone twice a day. Patient A resumed visits with her regular P.A. through May 4, 2015 during which time her opioid prescriptions were continued.

6. On June 3, 2015, Respondent saw Patient A and assumed her care. He increased Patient A's one (1) month prescriptions to 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. Between June 3, 2015 and June 22, 2017, Patient A was under Respondent's care. A review of Patient A's chart shows that Respondent did not always enter adequate information about his thought process in determining the need for increases in medication to enable a future provider to fully understand the plan of care, as required by Wis. Admin. Code § Med 21.03.

8. On June 8 and August 27, 2015 respectively, Patient A reported two (2) instances of prescription or medication loss. Respondent did not chart any discussion with Patient A about ensuring the safety of her opioids and prescriptions after these incidents of opioid loss.

9. There is no evidence in Patient A's chart that Respondent ever checked the Wisconsin Prescription Drug Monitoring Program (PDMP) website before signing a prescription for a controlled substance; even after January 2017 when to do so was required by law. Respondent assures the Board that he did check the PDMP each time, and that he was aware that the PDMP records and logs all such checks.

10. Respondent represents to the Department of Safety and Professional Services that he does not prescribe opioids in his current position.

11. Respondent has proven successful completion of the following ten (10) continuing medical education (CME) hours on opioid prescribing and related issues (including charting):

¹ Both of Respondent's supervising physicians were already disciplined by the Board in 18 MED 001. See Orders 0006067 (voluntary surrender) and 0006140 (reprimand plus costs with acceptance for CME credits already taken).

a. September 12, 2017: The University of Wisconsin-Madison – *Rational Opioid Prescribing: New Wisconsin Medical Examining Board Prescribing Guidelines*, 2.00 AMA PRA Category 1 credits;

b. September 6, 2017: Aspirus Wausau Hospital – *Wisconsin Medical Examining Board Opioid Prescribing Guidelines*, 2.00 AMA PRA Category 1 credits;

c. June 24, 2019: University of Kentucky – *Opioid Use in Adolescents*, 1.25 AMA PRA Category 1 credits;

d. July 17, 2019: Boston University – *SCOPE of Pain: Safer/Competent Opioid Prescribing Education*, 2.50 AMA PRA Category 1 credits;

e. June 24, 2019: University of Kentucky – *Over-the-Counter Medication Abuse*, 0.50 AMA PRA Category 1 credits;

f. June 28, 2019: University of Kentucky – *Therapeutic Use of KASPER and Urine Drug Screening and Testing in Clinical Practice*, 0.75 AMA PRA Category 1 credits;

g. October 31, 2017: Boston University – *Practical Case Studies for Engaging the Patient in the Diagnosis and Management of Opioid-Induced Constipation*, 1.00 AMA PRA Category 1 credit;

12. 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 Douglas J. Woida, P.A., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(e) by failing to establish and maintain adequate patient health care records, under s. Med 21.03, or as otherwise required by law.

3. As a result of the above conduct, Douglas J. Woida, P.A., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Douglas J. Woida, P.A., 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 CME 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, Douglas J. Woida, P.A., shall pay COSTS of this matter in the amount of \$1,000.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and 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

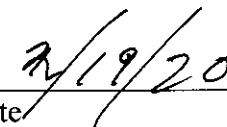
You may also submit payment online via DSPS' Monitoring Case Management System, here: <https://app.wi.gov/DSPSMonitoring>.

6. In the event Respondent violates any term of this Order, Respondent's license (No. 1865-23), 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.

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 THE LICENSE OF:

DOUGLAS J. WOIDA, P.A.,
RESPONDENT.

:
:
:
:

STIPULATION

ORDER 0006672

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

Respondent Douglas J. Woida, P.A., 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 Arthur K. Thexton.

4. Respondent denies any unprofessional conduct, but solely to settle this matter and to avoid the expense, uncertainty, and inconvenience of litigation, 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.

Electronically signed: *Douglas J. Woida P.A.*

January 4, 2020

Douglas J. Woida, P.A., Respondent
License No. 1865-23

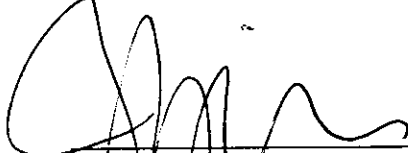
Date

Electronically signed: *Arthur K Thexton*

December 20, 2019

Arthur K. Thexton, Attorney for Respondent
Thexton Law Offices
3352 N. 105th St.
Wauwatosa, WI 53222-3330

Date



Julie Zimmer, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

Jan 6, 2020

Date