

## 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  
JAMES R. RICHTER, M.D., :  
: FOR REMEDIAL EDUCATION  
LICENSEE :  
: **ORDER 0007390**

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Division of Legal Services and Compliance Case No. 19 MED 512

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

James R. Richter, M.D.  
Appleton, WI 54915

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. James R. Richter, M.D. (Licensee), (Year of Birth 1958) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 32134-20, first issued on May 22, 1991, and with registration current through October 31, 2021. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Appleton, Wisconsin 54915.

2. Licensee is a family medicine physician practicing in and around Appleton, Wisconsin, and also has certifications in Hospice and Palliative Medicine.

3. In September 2019, the Wisconsin Controlled Substances Board reviewed Licensee's Prescription Drug Monitoring Program (PDMP) Prescriber Monitoring Report and

referred him to the Board as he was identified as being in the top percentage of opioid prescribers in his specialty. In October 2019, the Board opened this matter for investigation.

4. The Department's Division of Legal Services and Compliance reviewed medical records, PDMP recipient reports, and prescriber queries for six (6) patients treated by Licensee in 2016 through 2020.

5. Patient records, PDMP recipient reports, and PDMP prescriber query actions involving six (6) patients demonstrated the following:

- a. The total morphine milligram equivalent (MME) prescribed to several of these patients ranged between 675 and 1050.
- b. On multiple occasions, Licensee and/or his delegate, failed to query the PDMP prior to prescribing a controlled substance to a patient.

6. The Board's Opioid Prescribing Guidelines provide in part:

Given that there is no evidence base to support efficacy of doses over 90 MMEs, with dramatically increased risks, dosing above this level is strongly discouraged, and appropriate documentation to support such dosing should be present in the chart.

7. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSION OF LAW

1. The 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, Licensee shall at his own expense take and successfully complete three (3) hours of education on the topic of opioid prescribing practices and the PDMP 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).

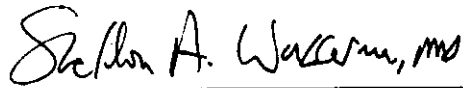
- b. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
  - c. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department and may not be used in any future attempt to upgrade a credential.
  - d. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Licensee. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
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) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

Licensee may also submit this information online at: <https://dspsmonitoring.wi.gov>.

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

WISCONSIN MEDICAL EXAMINING BOARD

By:   
A Member of the Board

19 May 2021  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE LICENSE OF :  
 :  
JAMES R. RICHTER, M.D., : STIPULATION  
LICENSEE. :  
 : **ORDER 0007390**

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Division of Legal Services and Compliance Case No. 19 MED 512

James R. Richter, M.D. (Licensee), 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 Sean Gaynor.

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.

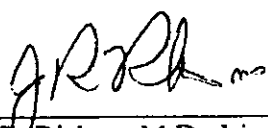
5. If the terms of this Stipulation are not acceptable to the Board the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not

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 or Licensee'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 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.

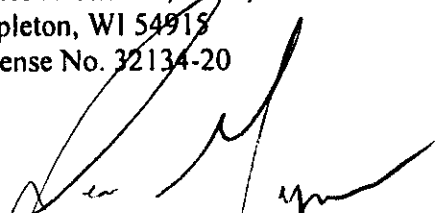
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.



James R. Richter, M.D., Licensee  
Appleton, WI 54915  
License No. 32134-20

5/7/2021

Date



Sean Gaynor, Attorney for Licensee  
Leib Knott Gaynor, LLC  
219 N. Milwaukee St., Suite 710  
Milwaukee, WI 53202

5/7/2021

Date



Gretchen Mrozinski, Prosecuting Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

5/10/2021

Date