

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
MORGAN BUDDE, M.D., :
RESPONDENT. : **ORDER 0007752**

Division of Legal Services and Compliance Case No. 21 MED 265

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

Morgan Budde, M.D.
Milwaukee, WI 53210

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 Wisconsin 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 Morgan Budde, M.D., (Year of Birth 1976) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 50869-20, first issued on September 7, 2007, with registration currently expired as of October 31, 2019. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew his license upon payment of a fee until October 31, 2024.

2. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is in Milwaukee, Wisconsin 53210. At all times relevant to this proceeding, Respondent practiced general medicine in Kentucky.

3. On March 20, 2013, the Board reprimanded Respondent in response to a 2012 Agreed Order of Indefinite Restriction issued by the Kentucky Board of Medical Licensure (KY 2013 Order) limiting Respondent's license to practice medicine in Kentucky due to substance abuse. The Board ordered Respondent to comply with the KY 2013 Order and provided a condition that if Respondent were to ever practice medicine in Wisconsin, he shall notify the Board and submit to and comply with all terms and conditions of a five-year impairment order in Wisconsin.

4. On June 10, 2021, the Kentucky Board of Medical Licensure (KY Board) entered an Agreed Order restricting Respondent's Kentucky license for an indefinite period as follows (KY 2021 Order):

- Respondent shall not practice medicine until allowed by the KY Board;
- Respondent shall not petition to resume his practice before December 30, 2021;
- Respondent shall fully comply with all requirements in his contract with the Kentucky Physicians Health Foundation (Foundation);
- Respondent shall abstain from consuming mood-altering substances; and,
- Respondent shall be subject to random drug screenings.

5. The KY 2021 Order was based on the following facts, *intra alia*:

- On February 9, 2011, the Foundation received information that Respondent was abusing controlled substances.
- On February 24, 2011, Respondent was arrested for a DUI(1st) and possession of controlled substances. He pled guilty and entered into a deferred prosecution agreement.
- On March 7, 2011, Respondent entered residential treatment facility (Facility) wherein he acknowledged an 18-year history of substance abuse, including the use of Xanax, Valium, Oxycodone and IV drugs. During treatment, Respondent suffered one relapse.
- On March 18, 2011, Respondent entered into an Interim Agreed Order in Kentucky wherein he was prohibited to practice until he successfully completed treatment and then could petition the Board upon a favorable recommendation by the Foundation's Medical Director.
- On February 28, 2012, Respondent successfully completed residential treatment and was discharged with Axis I diagnoses of Opioid Dependence, Polysubstance Dependence, and Major Depression Recurrent. The Facility concluded he was fit to practice.
- On February 29, 2012, Respondent entered into a contract with the Foundation.
- On April 11-13, 2012, Respondent completed a Prescribing Controlled Drugs course.
- On October 15, 2012, the KY Board issued an Agreed Order of Indefinite Restriction allowing Respondent to resume his practice on the condition he obtained location approval, maintain a controlled substances log, complete the CPEP Documentation Seminar and Personalized Implementation Program, complete the three-module Responsible Opioid Prescribing CME course, maintain

his contract with the Foundation, abstain from consuming any mood-altering substances, and pay costs.

- In November 2014, the KY Board issued a letter of admonishment for Respondent's guilty plea to one count of healthcare fraud, for which he was sentenced to three years' probation and 120 hours of community service.¹
- In May 2015, the KY Board allowed Respondent to prescribe controlled substances without maintaining a log.
- In July 2016, Respondent's Agreed Order was terminated, and Respondent entered into a letter of agreement wherein he was required to comply with the abstinence/monitoring contract with the Foundation. In July 2019, that contract expired.
- In November 2019, Respondent relapsed and began using heroin and cocaine.
- In May 2020, the KY Board was notified of Respondent's relapse.
- On June 8, 2020, Respondent tested positive for heroin and cocaine.
- On June 23, 2020, Respondent entered residential treatment at Florida Recovery Center (Center).
- On June 29, 2020, Respondent entered into an Interim Agreed Order with the KY Board restricting his practice of medicine.
- On August 31, 2020, Respondent tested positive for fentanyl and norfentanyl after he returned to the Center from a home leave. It was also discovered that Respondent was self-administering unauthorized injections of testosterone.
- On September 22, 2020, Respondent left residential treatment against medical advice with a notation that he was not fit to practice.
- On October 19, 2020, Respondent returned to the Center and remained there until he was successfully discharged on December 29, 2020. The Center recommended upon discharge that Respondent enter into another contract with the Foundation, engage in individual therapy with a therapist, a psychiatrist, and a Vivitrol provider, participate in a 12-step program, and not practice medicine for at least one year.
- On January 4, 2021, Respondent entered into a contract with the Foundation.

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

CONCLUSIONS OF LAW

1. The 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 engaged in unprofessional conduct by practicing or attempting to practice under any license when unable or unwilling to do so with reasonable skill and safety, pursuant to Wis. Admin. Code § Med 10.03(2)(a).

¹ Respondent self-reported his fraud conviction to the Board.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct by having a credential pertaining to the practice of medicine and surgery or any act constituting the practice of medicine and surgery become subject to adverse determination by any agency of this or another state, or by any federal agency or authority, pursuant to Wis. Admin. Code § Med 10.03(3)(c).

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3), and Wis. Admin. Code. Ch. Med 10.

ORDER

1. The attached Stipulation is accepted.

2. Respondent's license and registration to practice medicine and surgery in the state of Wisconsin (license number 50869-20), and his right to renew such license and registration, is **SUSPENDED** for an indefinite period.

3. The suspension of Respondent's license and registration, and right to renew such license and registration, may be **STAYED** upon Respondent petitioning the Board and providing proof, which is determined by the Board or its designee to be sufficient, that he has successfully complied with all terms and conditions of the KY 2021 Order and his Kentucky license has been restored to full, unrestricted status.

4. Whether to grant or deny the petition, or whether to impose further restrictions or limitations on Respondent's license, or the right to renew his license, including requiring Respondent to submit to and comply with a five-year treatment and monitoring order, is solely within the Board's discretion.

5. Within 120 days from the date of this Order, Respondent shall pay **COSTS** of this matter in the amount of \$540.00.

6. Any petitions or other documents required by this Order, and payment of costs (made payable to Department of Safety and Professional Services), shall be submitted 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>.

7. In the event Respondent violates any term of this Order, the Board may, in its discretion, impose additional conditions and limitations or other additional discipline as it deems appropriate. 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.

8. This Final Decision and Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By: Stephan A. Wasserman, MD
A Member of the Board

15 December 2021
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MORGAN BUDDE, M.D.,
RESPONDENT.

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:
:

STIPULATION

ORDER 0007752

Division of Legal Services and Compliance Case No. 21 MED 265

Respondent Morgan Budde, 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.

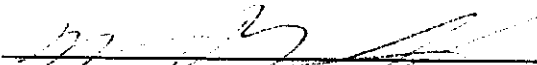
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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, 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.


Morgan Budde, M.D., Respondent
Milwaukee, WI 53210
License No. 50869-20

11/11/21
Date


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

11/15/2021
Date