

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
JENNIFER N. KLOPFSTEIN, M.D., :
RESPONDENT. :

ORDER 0008~21

Division of Legal Services and Compliance Case No. 21 MED 536

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

Jennifer N. Klopstein, M.D.
Menomonee Falls, WI 53051

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. Respondent Jennifer N. Klopstein, M.D., (Year of Birth 1958) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 30999-20, first issued on March 21, 1990, and registration current through October 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Menomonee Falls, Wisconsin 53051.

2. At all times relevant to this proceeding, Respondent practiced as a physical medicine and rehabilitation physician at three clinics located in Wisconsin.

3. The Department opened an investigation against Respondent based on data from the Wisconsin Prescription Drug Monitoring Program (PDMP) which identified her as a top opiate prescriber by volume among all Wisconsin physicians during the second quarter of 2021.

4. The Department's investigation involved reviewing medical records and PDMP reports regarding the following patients treated by Respondent from July 1, 2020, through June 30, 2021.

Patient A

5. As of April 25, 2021, Respondent prescribed the following to Patient A (a female born in 1964): oxycodone/acetaminophen (60 tablets for 30 days, 5-325mg) and methadone (150 tablets for 30 days, 10mg).

6. The total morphine milligram equivalent (MME) prescribed to Patient A as of April 25, 2021, was 530 MME/day, which exceeds the maximum amount recommended by the Wisconsin Medical Examining Board Opioid Prescribing Guidelines.

7. Respondent prescribed Soma to Patient A despite the fact that Soma is not recommended in combination with opioids as it is metabolized to meprobamate (a Schedule IV drug with potential for abuse) similar to benzodiazepines.

Patient B

8. As of May 6, 2021, Respondent prescribed the following to Patient B (a male born in 1958): methadone (180 tablets for 30 days, 10mg) and oxycodone (120 tablets for 30 days, 30mg).

9. The total MME prescribed to Patient B as of May 6, 2021, was 780 MME/day, which exceeds the maximum amount recommended by the Wisconsin Medical Examining Board Opioid Prescribing Guidelines.

10. On March 10, 2021, Patient B's urine drug screen was positive for morphine; however, Respondent continued to prescribe opioids to Patient B.

Patient C

11. As of March 24, 2021, Respondent prescribed the following to Patient C (a female born in 1964): oxycodone (84 tablets for 28 days, 15mg) and methadone (84 tablets for 28 days, 10mg).

12. The total MME prescribed to Patient C as of March 24, 2021, was 307.5 MME/day, which exceeds the maximum amount recommended by the Wisconsin Medical Examining Board Opioid Prescribing Guidelines.

13. Respondent prescribed opioids to Patient C to treat her fibromyalgia, even though opioids are not indicated for the treatment of fibromyalgia.

14. Respondent did not refer Patient C to a pain clinic for treatment and did not try a spinal cord stimulator or other procedures to treat the pain.

Patient D

15. As of September 1, 2020, Respondent prescribed the following to Patient D (a male born in 1978): methadone (140 tablets for 28 days, 10mg) and oxycodone (112 tablets for 28 days, 15mg).

16. The total MME prescribed to Patient D as of September 1, 2020, was 590 MME/day, which exceeds the maximum amount recommended by the Wisconsin Medical Examining Board Opioid Prescribing Guidelines.

Patient E

17. As of May 4, 2021, Respondent prescribed the following to Patient E (a female born in 1976): methadone (180 tablets for 30 days, 10mg) and oxycodone (90 tablets for 30 days, 5mg).

18. The total MME prescribed to Patient E as of May 4, 2021, was 622.5 MME/day, which exceeds the maximum amount recommended by the Wisconsin Medical Examining Board Opioid Prescribing Guidelines.

19. In general, the records reviewed reflect that Respondent prescribed high doses of opioids to Patients A, B, C, D and E without sufficient documentation to support such dosing. Specifically, Respondent failed to document physical exams that were sufficient and reflected the need for high dose opioids. Respondent did not use an opioid risk tool or assessment, and failed to document functional improvement or benefit of opioids sufficient to warrant continued prescribing. Lastly, Respondent did not monitor patients' EKG results despite the fact that methadone can cause EKG changes.

20. 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 as defined in Wis. Admin. Code § Med 10.03(2)(c) by prescribing, ordering, dispensing, administering, supplying, selling, giving, or obtaining any prescription medication in any manner that is inconsistent with the standard of minimal competence.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(2)(b) by departing from or failing to conform to the standard of minimally competent medical practice which creates an

unacceptable risk of harm to a patient or the public whether or not the act or omission resulted in actual harm to any person.

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED.
3. Respondent's license and registration to practice medicine and surgery in the state of Wisconsin (license no. 30999-20), is LIMITED as follows:
 - a. Within six (6) months from the date of this Order, Respondent shall at her own expense take and successfully complete the *Intensive Course in Controlled Substance Prescribing* Continuing Medical Education (CME) course offered by Case Western Reserve University School of Medicine for a total of 23.50 AMA PRA Category 1 Credits.
 - b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor. 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.
 - c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed the ordered education.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,104.00.
5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

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>.

6. In the event Respondent violates any term of this Order, Respondent's license and registration (no. 30999-20), or Respondent's right to renew her license and registration, 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: Shelton A. Wasserman, MD
A Member of the Board

6/15/2022
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JENNIFER N. KLOPFSTEIN, M.D.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

ORDER 0008021

Division of Legal Services and Compliance Case No. 21 MED 536

Respondent Jennifer N. Klopstein, 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Jennifer N. Klopstein, M.D., Respondent
Menomonee Falls, WI 53051
License No. 30999-20

6-3-22
Date


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

06/08/22
Date