

## 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 DISCIPLINARY  
PROCEEDINGS AGAINST

ERIC C. GOWING, M.D.,  
RESPONDENT.

FINAL DECISION AND ORDER

**ORDER 0008178**

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Division of Legal Services and Compliance Case No. 21 MED 538

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

Eric C. Gowing, M.D.  
Menasha, WI 54952

Wisconsin Medical Examining Board  
P.O. Box 8366  
Madison, WI 53708-f8366

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. Eric C. Gowing, M.D. (Respondent), (Year of Birth 1968) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 40135-20, first issued on August 7, 1998, with 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 Menasha, Wisconsin 54952.

2. At all times relevant to this proceeding, Respondent practiced as a rheumatologist at a hospital located in Menasha, Wisconsin (Hospital).

3. The Department opened an investigation involving Respondent based on data from the Wisconsin Prescription Drug Monitoring Program (PDMP) which identified him 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 patients treated by Respondent from July 1, 2020, through June 30, 2021.

**PATIENT S.W.**

5. Patient S.W. (YOB: 1972) has diagnoses of fibromyalgia, depression, anxiety, left hip joint and right knee pain, among others.

6. Respondent prescribed a combination of amphetamine-dextroamphetamine 30mg, alprazolam .25mg, hydrocodone-acetaminophen 7.5-325mg, trazodone 100mg, and oxycodone HCl 5mg.

7. On five occasions between July 2020 and June 2021, Respondent did not check the PDMP prior to prescribing controlled substances.

8. Patient records do not contain documentation of the benefit of opioids, use of an opioid risk tool, or indication of pain with a physical exam.

**PATIENT T.K.**

9. Patient T.K. (YOB: 1970) has diagnoses of fibromyalgia, anxiety, and central pain syndrome, among others.

10. Respondent prescribed a combination of methylphenidate HCl 10mg, hydrocodone-acetaminophen 5-325mg, tramadol HCl 50mg, and lorazepam 1mg.

11. On 20 occasions between July 2020 and June 2021, Respondent did not check the PDMP prior to prescribing controlled substances.

12. Patient records do not contain office notes.

**PATIENT J.H.**

13. Patient J.H. (YOB: 1992) has diagnoses of drug withdrawal, depression, anxiety, migraines, and fibromyalgia, among others.

14. Respondent prescribed a combination of clonazepam 0.5mg, armodafinil 200mg, pregabalin 50mg, and methylphenidate HCl 20mg.

15. On 23 occasions between July 2020 and May 2021, Respondent did not check the PDMP prior to prescribing controlled substances.

**PATIENT P.L.**

16. Patient P.L. (YOB: 1957) has diagnoses of fibromyalgia, chronic obstructive pulmonary disease (COPD), emphysema, and history of alcohol abuse, among others.

17. Respondent prescribed 15 fentanyl 37.5mcg/hr patches as well as 180 oxycodone HCl 5mg tablets, which is a total morphine milligram equivalent (MME) of 135, every month from July 2020 through May 2021.

18. On two occasions between July 2020 and February 2021, Respondent did not check the PDMP prior to prescribing controlled substances.

19. Respondent conducted a limited physical exam and did not document the site of pain.

20. Patient records do not contain documentation of the benefit of opioids, the use of an opioid risk tool, a urine drug screen, or that the patient was informed of the risks of consuming opioids with a diagnosis of COPD and/or with a history of alcohol abuse.

**PATIENT E.F.**

21. Patient E.F. (YOB: 1953) has diagnoses of fibromyalgia and osteoarthritis, among others.

22. Respondent prescribed zolpidem tartrate 5 mg, in combination with tramadol HCl 50 mg, and hydrocodone-acetaminophen 5-325mg.

23. On six occasions between June 2020 and May 2021, Respondent did not check the PDMP prior to prescribing controlled substances.

24. Patient records do not contain documentation of the functional benefit of opioids, decrease in pain with the use of opioids, the use of an opioid risk tool, and physical exam findings that would justify the prescribing of opioids.

**PATIENT M.B.**

25. Patient M.B. (YOB: 1967) has diagnoses of COPD, chronic pain syndrome, osteoarthritis of the hip, and long-term drug therapy, among others. Patient is a daily smoker.

26. Respondent prescribed combinations of methadone HCl 5mg, oxycodone HCl 10mg, and hydrocodone-acetaminophen 10-325 mg, with total MME counts ranging from 130 to 540.

27. On four occasions between September 2020 and June 2021, Respondent did not check the PDMP prior to prescribing controlled substances.

28. Patient records do not contain documentation of the benefits of prescribing opioids in managing pain, the use of an opioid risk tool, or review of an EKG prior to prescribing methadone.

**PATIENT E.S.**

29. Patient E.S. (YOB: 1953) has diagnoses of gastroparesis and chronic pain syndrome, among others.

30. Respondent prescribed oxycodone HCl 5mg.

31. On one occasion in October 2020, Respondent did not check the PDMP prior to prescribing oxycodone.

32. Patient records do not contain indication for prescribing oxycodone as gastroparesis can be a side effect of opioids, nor documentation of patient pain relief when using opioids.

**PATIENT R.B.**

33. Patient R.B (YOB: 1998) has chronic joint pain.

34. Respondent prescribed tramadol HCl 50mg.

35. Patient records do not contain documentation of a urine drug screen, use of an opioid risk tool, or the benefits of prescribing opioids to treat joint pain.

**PATIENT C.R.**

36. Patient C.R. (YOB: 1972) has diagnoses of migraines and fibromyalgia, among others.

37. Respondent prescribed hydrocodone-acetaminophen 5-325mg and fentanyl 72-hour patches.

38. Patient records do not contain documentation of pain reduction from opioids, need for chronic opioids, functional improvement, use of an opioid risk tool, and physical exam findings that would justify the prescribing of opioids.

**FINDINGS APPLICABLE TO ONE OR MORE PATIENTS**

39. Prescription opioids and benzodiazepines carry U.S. Food and Drug Administration (FDA) boxed warnings on their labels highlighting the potential dangers of using these drugs together. Boxed warnings are the strongest form of warning required by the FDA.

40. Per the Center for Disease Control (CDC), benefits of long-term opioid therapy for chronic pain are not well supported by evidence.

41. There is no clinical or real-world evidence demonstrating the efficacy or effectiveness of opioids in the treatment of fibromyalgia.

42. The evidence in support of using opioids in patients with COPD is minimal and weak, and there is mounting data demonstrating that opioids are associated with increased respiratory-related morbidity and mortality in patients with COPD.

43. The combination of opioids along with sleeping pills is associated with a greater risk of overdose.

44. The routine use of opioids for migraine treatment often leads to more frequent and severe headaches; for many patients, overuse of opioids can trigger the transition from episodic migraine to chronic migraine.

45. The Wisconsin Medical Examining Board Opioid Prescribing Guidelines advise that there is no evidence base to support efficacy of opioid doses over a 90 MME and there are dramatically increased risks with such dosing; therefore, dosing above this level is strongly discouraged, and appropriate documentation to support such dosing should be present in the chart.

46. 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. Wisconsin Admin. Code § CSB 4.105(1) requires a prescriber to review the PDMP history report about a patient before issuing a prescription order for controlled substances to the patient. This section contains several exceptions which do not apply to the case at hand.

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)(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.

4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(3)(i) by violating Wis. Admin. Code § CSB 4.105(1) which is substantially related to the practice of medicine and surgery.

5. 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. 40135-20), is LIMITED as follows:

- a. Within six (6) months from the date of this Order, Respondent shall at his 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 23.5 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 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, and also may not be used in future attempts to upgrade a credential in Wisconsin.
  - c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
  - d. This limitation shall be removed from Respondent's license and registration after satisfying the Board or its designee that Respondent has successfully completed all 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 \$2,498 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://dspsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license and registration (no. 40135-20), or Respondent's right to apply to renew his 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. Wacker, MD  
A Member of the Board

9/21/2022  
Date



STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ERIC C. GOWING, M.D.,  
RESPONDENT.

STIPULATION

**ORDER 0008178**

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Division of Legal Services and Compliance Case No. 21 MED 538

Eric C. Gowing, M.D., (Respondent), 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

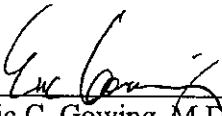
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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.

  
Eric C. Gowing, M.D., Respondent  
Menasha, WI 54952  
License No. 40135-20

8/17/2022  
Date

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

8/17/22  
Date