

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
WALTER A. FUHR, M.D., :
RESPONDENT. :

ORDER 0008437

Division of Legal Services and Compliance Case No. 22 MED 186

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

Walter A. Fuhr, M.D.
St. Francis, WI 53235

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. Walter A. Fuhr, M.D. (Respondent), (Year of Birth 1967) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 37614-20, first issued on April 26, 1996, 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 St. Francis, Wisconsin 53235.

2. At all times relevant to this proceeding, Respondent practiced as a family practice physician at a clinic located in St. Francis, Wisconsin (Facility).

3. The Wisconsin Controlled Substances Board referred Respondent to the Board after Prescription Drug Monitoring Program (PDMP) data identified him as a top opioid prescriber by

volume in the state of Wisconsin for the fourth quarter of 2021, as well as exhibiting significantly low PDMP usage during the same or similar timeframe.

4. During its investigation, the Division of Legal Services and Compliance (Division) reviewed 10 sets of patient records belonging to Respondent in 2021, as well as his 2021 PDMP query history.

5. In total, for all 10 patients reviewed, Respondent prescribed approximately 175 individual prescriptions for a controlled substance and/or monitored drug in 2021. Respondent failed to check the patients' PDMP history for all such prescriptions.

6. For multiple patients of the 10 patients reviewed:

- a. Patient records noted that the PDMP needs to be checked, but was subsequently not checked.
- b. Patient records do not contain pain scores.
- c. Respondent prescribed methadone without checking and/or conducting an electrocardiogram.
- d. Respondent concurrently prescribed opioids and benzodiazepines without documenting the medical necessity, and risks/benefits of such combination.
- e. Respondent failed to document the medical necessity of the opioids prescribed.
- f. Respondent prescribed opioids with a Morphine Milligram Equivalent (MME) significantly greater than 90.
- g. Respondent failed to document the justification for prescribing opioid dosages exceeding 90 MME.
- h. Respondent prescribed opioids to a patient with respiratory compromise (COPD).
- i. Patient's physical exam does not demonstrate pain, yet opioids prescribed.
- j. Patient records do not document pain relief with opioids.

7. 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 departed from or failed 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 within the meaning of Wis. Admin. Code § Med 10.03(2)(b).

3. By the conduct described in the Findings of Fact, Respondent committed unprofessional conduct 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 within the meaning of Wis. Admin. Code § Med 10.03(2)(c).

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's license and registration to practice medicine and surgery in the state of Wisconsin (license no. 37614-20), is **SUSPENDED** for one (1) month from the date of this Order.

3. Respondent's license and registration to practice medicine and surgery in the state of Wisconsin (license no. 37614-20), is **LIMITED** as follows:

- a. Within six (6) months of 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 to 24 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. Respondent's license and registration to practice medicine and surgery in the state of Wisconsin (license no. 37614-20), is further **LIMITED** as follows:

- a. Within 90 days of the date of this Order, Respondent shall retain at his expense a Professional Mentor (Mentor) to oversee Respondent's practice of medicine.
- b. For a period of at least one (1) year, Respondent shall practice medicine only under the oversight of a Mentor approved by the Board.
- c. The Mentor shall be a physician holding a valid Wisconsin license to practice medicine and surgery, who is actively practicing in Respondent's field, who has been provided a copy of this Order, and who has received Board approval to act as Respondent's Mentor.
- d. The Mentor shall have no personal or professional relationship with Respondent that could reasonably be expected to compromise the ability of the Mentor to render objective and unbiased reports to the Board.
- e. Respondent shall be responsible for finding the Mentor, providing the Mentor's curriculum vitae or other list of qualifications to the Department Monitor, and for obtaining preapproval of the Mentor from the Board or its designee.
- f. The Mentor shall meet with Respondent monthly. The Mentor shall review 10 sets of patient records, monthly, as selected by the Mentor, to determine if Respondent's care meets the standard of minimal competence for the practice of medicine and surgery in Wisconsin.
- g. Respondent shall arrange for the Mentor to provide formal written reports to the Department Monitor on a quarterly basis, or as directed by the Department Monitor. These reports shall assess Respondent's work performance and management of patients.
- h. The Mentor shall immediately report to the Department Monitor any conduct or condition of the Respondent which may constitute unprofessional conduct, a violation of this Order, or a danger to the public or patient. If a report indicates poor performance, the Board may institute appropriate corrective limitations, including a suspension, in its discretion.

5. Respondent's license and registration to practice medicine and surgery in the state of Wisconsin (license no. 37614-20), is further LIMITED as follows:

- a. Every 90 days for a period of no less than one (1) year from the date of this Order, Respondent shall submit his Wisconsin PDMP Metrics Report (PMR) reflecting his prescribing for the preceding quarter, to the Department Monitor.
- b. Respondent shall submit each PMR under an affidavit attesting that it accurately and completely reflects his PDMP prescribing for the preceding quarter.
- c. No PMR Respondent submits shall contain any patient health information, but shall otherwise be submitted in the exact form generated by the PDMP.

6. Starting one (1) year from the date of this Order, Respondent may petition the Board every ninety (90) days for modification of the requirements of this Order. Denial of a modification petition in whole or part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall have no right to further hearings or proceedings on the denial under Wis. Stat. § 227.42 or any other law.

7. Respondent shall be responsible for all costs associated with complying with the terms of this Order.

8. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,265.00.

9. Any requests, petitions, submissions, 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>.

10. In the event Respondent violates any term of this Order, Respondent's license and registration (no. 37614-20), or Respondent's right 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.

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

WISCONSIN MEDICAL EXAMINING BOARD

By: 
A Member of the Board

3/15/2023
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

WALTER A. FUHR, M.D.,
RESPONDENT.

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:

STIPULATION
ORDER 0008437

Division of Legal Services and Compliance Case No. 22 MED 186

Walter A. Fuhr, 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. Respondent is represented by Attorney Jason Franckowiak.

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 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.

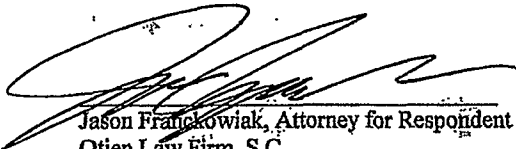
8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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.



Walter A. Fuhr, M.D., Respondent
St. Francis, WI 53235
License No. 37614-20

02/14/2023
Date



Jason Franchowiak, Attorney for Respondent
Otjen Law Firm, S.C.
20935 Swenson Drive, Ste 310
Waukesha, WI 53186

2-14-23
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

February 15, 2023
Date