

## 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 :  
 : FINAL DECISION AND ORDER  
AMY J. MUCHOW, M.D., :  
RESPONDENT. :  
**ORDER 0008585**

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Division of Legal Services and Compliance Case No. 22 MED 310

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

Amy J. Muchow, M.D.  
Sun Prairie, WI 53590

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 Amy J. Muchow, M.D., (Year of Birth 1976) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 48951-20, first issued on February 2, 2006, 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 Sun Prairie, Wisconsin 53590.

2. At all times relevant to this proceeding, Respondent practiced as an internist at a clinic located in Beaver Dam, Wisconsin (Facility).

3. On May 31, 2022, the Wisconsin Controlled Substances Board referred Respondent to the Department after Prescription Drug Monitoring Program (PDMP) data identified

Respondent as a top opioid prescriber by volume among Wisconsin physicians during the fourth quarter of 2021.

4. The Department's investigation involved reviewing PDMP reports regarding patients treated by Respondent from January 1, 2021, through December 31, 2021, and reviewing medical records for a sample of ten (10) of those patients.

5. The Board's Opioid Prescribing Guidelines advise that there is no evidence base to support efficacy of opioid doses over 90 morphine milligram equivalent (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.

6. The records reviewed by the Department reflect that Respondent prescribed high doses of opioids to some patients without sufficient documentation to support such dosing. Respondent's documented physical exams often did not sufficiently identify pain source(s) or pain generator(s) at each visit, and at times Respondent failed to document pain scores or functional benefit of opioids sufficient to warrant continued prescribing. Respondent at times did not require urine drug screens and did not use an opioid risk tool or risk assessment prior to prescribing opioids.

7. Respondent co-prescribed opioids and benzodiazepines to several patients without charting a clear clinical rationale for the co-prescription and without notation that she discussed the risks with patients. Respondent asserts she did discuss such risks with her patients.

8. Respondent co-prescribed opioids and respiratory depressants including Gabapentin and Zolpidem to some patients without charting a clear clinical rationale for the co-prescriptions or that she had a discussion with the patient regarding the risks.

9. Respondent prescribed opioids to patients with sleep apnea and did not document a discussion with the patients regarding the risk of taking opioids including that opioids can exacerbate sleep apnea.

10. Respondent prescribed opioids to some patients without seeing them for many months or at all in 2021.

11. Respondent failed to check PDMP prior to prescribing opioids to two patients on multiple occasions.

12. The standard of minimal competence requires that high-risk patients on opioid medication be seen at least every three months. Respondent did not do so in every case.

13. The standard of minimal competence requires that a physician who co-prescribes opioids and benzodiazepines or other respiratory depressants to a patient, document a clear clinical rationale for such co-prescriptions, as well as a discussion with the patient regarding the risks of such co-prescriptions, at every visit. Respondent did not do so in every case.

14. The standard of minimal competence requires that a physician who prescribes opioids to a patient should document use of an opioid risk assessment tool and urine drug screens at least once per year. Respondent did not do this in every case.

15. On May 8-10, 2023, Respondent successfully completed the Intensive Course in Controlled Substance Prescribing Continuing Medical Education course offered by Case Western Reserve University School of Medicine for a total of 23.50 AMA PRA Category 1 Credits.

16. 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 was prescribing, ordering, dispensing, administering and/or supplying prescription medication in any manner that is inconsistent with the standard of minimal competence, as defined in Wis. Admin. Code § Med 10.03(2)(c).

3. 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. The Board accepts the education completed by Respondent, and referenced in paragraph 15 in the Findings of Fact above, in satisfaction of education the Board would have otherwise ordered.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,617.00.

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 does not pay the costs referenced in paragraph 4 of this Order, Respondent's license and registration (no. 48951-20), 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: Sharon A. Walker, MD  
A Member of the Board

6/21/23  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

AMY J. MUCHOW, M.D.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

**ORDER 0008585**

Division of Legal Services and Compliance Case No. 22 MED 310

Respondent Amy J. Muchow, 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. Respondent is represented by Attorney Claire Dalle Molle.

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.

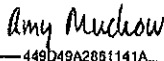
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

DocuSigned by:



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Amy J. Muchow, M.D., Respondent  
Sun Prairie, WI 53590  
License No. 48951-20

5/30/2023

Date



Claire Dalle Molle, Attorney for Respondent  
Grieve Law, LLC  
5610 Medical Circle, Suite 34  
Madison, WI 53719

May 30, 2023

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

6/5/2023

Date