

## 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

STEPHEN R. KREUSER, M.D.,  
RESPONDENT.

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: FINAL DECISION AND ORDER  
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**ORDER 0008655**

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Division of Legal Services and Compliance Case No. 22 MED 441

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

Stephen R. Kreuser, M.D.  
Washburn, WI 54891

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 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 Stephen R. Kreuser, M.D., (Year of Birth 1952) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 26675-20, first issued on April 19, 1985, 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 Washburn, Wisconsin 54891.

Prior Discipline

2. On June 16, 2010, the Board issued Order No. 000256 reprimanding Respondent and ordering him to complete the Case Western Reserve course in prescriptive practices for failing to document patient history and examination, prescribing narcotics without documenting the

location of the pain, failing to chart pain scores or rationales for increasing medications, and failing to use narcotic contracts or urine drug screens. The Board granted full reinstatement of Respondent's license on January 26, 2011.

3. On January 16, 2013, the Board issued Order No. 0002255 reprimanding Respondent for keeping inadequate records and not properly documenting a basis for a diagnosis, antibiotics prescriptions, a discussion of the benefits of a pulmonary consultation, or the number of x-rays ordered. The Board permanently limited Respondent's license by requiring that all x-rays going forward be read by a qualified radiologist with the results reviewed by Respondent and placed in the patient's chart.

#### Current Case

4. At all times relevant to this proceeding, Respondent practiced family medicine at his own clinic in Washburn, Wisconsin (Clinic), and provided care and treatment to Patient A, a longtime female patient born in 1956 with a history of chronic lumbar radicular pain and depression.

5. On September 21, 2022, the Department received a complaint from Patient A's niece concerning Respondent's course of therapy provided to Patient A. This case was opened to investigate the allegations.

6. As part of its investigation, the Department reviewed Patient A's medical records from the Clinic. The records revealed the following:

- (a) Respondent had been prescribing Zoloft 400mg for depression and Vicodin 7.5mg/325mg for chronic lumbar radicular pain to Patient A.
- (b) On August 12, 2021, Respondent charted that Patient A liked Zoloft "but not happy. Refuses to switch to Prozac. Starting Zyprexa." Respondent prescribed Zyprexa, an atypical antipsychotic medication, 2.5mg once daily to Patient A without charting a rationale for adding it on top of the Zoloft or a discussion with Patient A of the risks of co-prescribing the medications.
- (c) On August 19, 2021, Respondent increased the Zyprexa prescription to 5mg and on September 9, 2021, he increased it to 10mg but did not chart a rationale for the increases.
- (d) Respondent did not consult a psychiatrist on Patient A's treatment plan or medication regimen. He did note that Patient A refused a neurology referral.
- (e) Respondent did not chart pain scores.
- (f) Patient A signed a Controlled Medication Agreement on June 19, 2017, agreeing to comply with random urine drug screens. Although Respondent did check PDMP data prior to issuing each opioid prescription, Respondent had not performed a urine drug screen to detect opioid use or misuse on Patient A since March 8, 2018.

(g) Patient A's last visit with Respondent was on March 30, 2022.

7. On April 8, 2022, Patient A died in her home. Her brother reported to police that she had fallen two days prior but refused medical assistance. The Ashland County Deputy Coroner listed the cause of death as a mixed drug overdose of hydrocodone, sertraline, olanzapine based on Patient A's toxicology report, which indicated amounts higher than a therapeutic range and that THC was also present. There is insufficient evidence that Respondent's prescribing regimen was the direct cause of Patient A's death.

8. Respondent maintains that in lieu of urine drug screens, he performed monthly monitoring visits with Patient A where she exhibited no signs of misuse (i.e., lost prescriptions, early refills, seeking opioids from other providers, inappropriate PDMPs), and that adjunctive treatment with Zoloft and Zyprexa is a treatment option for patients with partial responses to first line antidepressants.

9. 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. Based on the Findings of Fact, Respondent engaged in unprofessional conduct 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, pursuant to Wis. Admin. Code § Med 10.03(2)(b).

3. Based on the Findings of Fact, Respondent engaged in 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, pursuant to 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) and Wis. Admin. Code § Med 10.03.

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent's license and registration to practice medicine and surgery in the state of Wisconsin (no. 26675-20) are **SUSPENDED** for a period of two (2) weeks from the date of this Order.

3. Respondent's license and registration to practice medicine and surgery in the state of Wisconsin (no. 26675-20) are **LIMITED** as follows:

- a. Within ninety (90) days from the date of this Order, Respondent shall, at his own expense, successfully complete the following education: (1) three hours on the topic of prescribing anti-depressants; (2) three hours on appropriate recordkeeping; and, (3) three hours on the Board's controlled substance guidelines, offered by a provider(s) pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
  - 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 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 \$1,125.00.
  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 (no. 26675-20), or Respondent's right to renew his license, 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: Stephan A. Wasserman, MD  
A Member of the Board

7/19/2023  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

STEPHEN R. KREUSER, M.D.,  
RESPONDENT.

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STIPULATION

**ORDER 0008655**

Division of Legal Services and Compliance Case No. 22 MED 441

Respondent Stephen R. Kreuser, 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 Daniel Icenogle.
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.

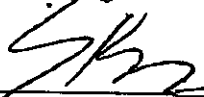
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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.

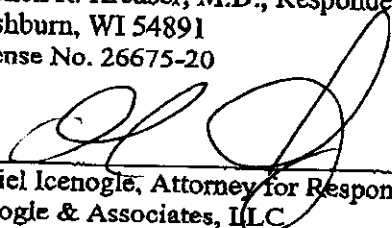
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.

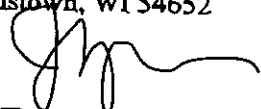
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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Stephen R. Kreuser, M.D., Respondent  
Washburn, WI 54891  
License No. 26675-20

6/16/23  
Date

  
\_\_\_\_\_  
Daniel Icenogle, Attorney for Respondent  
Icenogle & Associates, LLC  
57563 Riley Road  
Readstown, WI 54652

6/16/2023  
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

6/19/2023  
Date