

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

RICHARD H. STRAUSS, M.D., RESPONDENT

FILE No. 02-2015-246

**STATEMENT OF CHARGES and SETTLEMENT AGREEMENT
(Combined)**

COMES NOW the Iowa Board of Medicine (Board) and Richard H. Strauss, M.D., (Respondent), on July 29, 2016, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and 653 IAC 25.3, enter into this combined Statement of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 39212 on October 8, 2010.
2. Respondent's Iowa medical license is active and will next expire on March 1, 2017.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having a license to practice medicine and surgery or osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the order of disciplinary action is prima facie evidence.

STATEMENT OF THE MATTERS ASSERTED

5. **Practice Setting:** Respondent is an Iowa-licensed physician who practices pediatrics in La Crosse, Wisconsin.

6. **Wisconsin Disciplinary Action:** On April 15, 2015, Respondent was disciplined by the Wisconsin Medical Examining Board (Wisconsin Board). The Wisconsin Board alleged that Respondent failed to provide appropriate urgent care to a 14-year-old boy who experienced respiratory distress following laparoscopic surgery on January 14, 2011. The Wisconsin Board issued Respondent a Reprimand and ordered him to pay costs in the amount of \$1,694.18. See Attachment A.

SETTLEMENT AGREEMENT

7. **CITATION AND WARNING:** Respondent is hereby **CITED** for being disciplined by the Wisconsin Board for failing to provide appropriate urgent care to a 14-year-old boy who experienced respiratory distress following laparoscopic surgery on January 14, 2011. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action against his Iowa medical license.

8. Respondent voluntarily submits this Order to the Board for consideration.

9. Respondent agrees that the State's counsel may present this Order to the Board for consideration.

10. By entering into this Order, Respondent understands that he has a right to be represented by legal counsel in this matter, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order.

11. This Order constitutes the resolution of a contested case proceeding.

12. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

13. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank.

14. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

15. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

16. The Board's approval of this Order shall constitute a **Final Order** of the Board.

Richard H. Strauss, M.D.
Richard H. Strauss, M.D., Respondent

Subscribed and sworn to before me on June 2, 2016.

Notary Public, State of Wisconsin.

Barbara Bulman, Notary
my commission expires: 8/12/2018

This Order is approved by the Board on July 29, 2016.

Diane L. Clark

Diane L. Clark, R.N., M.A., Chairwoman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
RICHARD H. STRAUSS, M.D.,	:	
RESPONDENT.	:	

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Division of Legal Services and Compliance Case No. 14 MED 070

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

Richard H. Strauss, M.D.
Gundersen Health
1900 South Avenue
La Crosse, WI 54601

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 Richard H. Strauss, M.D. (dob March 26, 1951), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 27816-20, first issued on July 1, 1986, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Gundersen Health, 1900 South Avenue, La Crosse, Wisconsin 54601.

2. Respondent is also currently licensed to practice medicine in the state of Iowa. He holds expired licenses in the states of New York and California, with no disciplinary actions reported.

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3. Respondent's practice specialty is pediatrics; he is certified by the American Board of Pediatrics and holds a sub-specialty certification in pediatric critical care medicine. At all times pertinent herein, he practiced medicine at Gundersen Lutheran Medical Center (Gundersen) in La Crosse, Wisconsin.

4. Patient A, a fourteen year old boy with multiple serious medical conditions including cerebral palsy, type I diabetes mellitus, and dysarthria was scheduled to undergo a laparoscopic lysis of adhesions, a laparoscopic jejunostomy placement, and a laparoscopic-assisted abdominoperineal resection at Gundersen. He had previously undergone a total colectomy with ileostomy placement, J-tube placement and replacement by interventional radiology.

5. On January 13, 2011, Patient A presented for surgery. Respondent and the surgeon agreed that if the surgical procedures went well, Patient A would not be placed in the pediatric intensive care unit, but would be cared for post-operatively on an inpatient pediatric unit which was also being staffed by Respondent.

6. At approximately 4p.m., Patient A was transferred from recovery to a room in inpatient pediatrics on unit 4 West, with no noted complications. Respondent saw Patient A on unit 4 West at approximately 5:15 p.m. and 7:20 p.m.

7. Respondent's note of the 5:15 p.m. visit indicates that Patient A seemed to be doing well. Respondent's note from the 7:20 p.m. visit indicates that Patient A's vital signs were stable. Patient A's records indicate that around 7:20 p.m., he had a small amount of bloody drainage from the rectum suture line, and that he was running a low-grade fever. Respondent left the hospital shortly thereafter.

8. Between approximately 9:30 p.m. on January 13th, and 3:00 a.m. on January 14th, Respondent was provided updates on Patient A's condition by telephone and notified that Patient A was experiencing tachycardia and decreased blood pressure. Respondent entered several orders, but failed to take urgent action to address Patient A's declining condition.

9. At approximately 3:30 a.m., Patient A began experiencing respiratory distress. Respondent was contacted and ordered chest x-rays and lab tests. A blood transfusion had also been ordered and administered, but Patient A's condition became critical and he died at approximately 4:45 a.m. on January 14.

10. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining 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).

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2. By the conduct described in the Findings of Fact, Respondent Richard H. Strauss, M.D., violated Wis. Admin. Code § Med 10.02(2)(h) (Nov. 2002) by engaging in conduct which tends to constitute a danger to the health, welfare, or safety of a patient.

3. As a result of the above violation, Richard H. Strauss, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent, Richard H. Strauss, M.D., is REPRIMANDED

3. Within 90 days from the date of this Order, Richard H. Strauss, M.D., shall pay COSTS of this matter in the amount of \$1,694.18.

4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered, Respondent's license (no. 27816-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:


A Member of the Board

Date

