

DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE AND
DISCIPLINE

No: C11-132

In the matter of:
Norman Krause, MD
License #: MD 12557

Consent Order

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (2009 Reenactment) the Virginia Board of Medicine notified the Board of Medical Licensure and Discipline that the Respondent has entered into a Consent Order. The Rhode Island Board of Medical Licensure and Discipline has jurisdiction to take reciprocal action by virtue of R.I.G.L. 5-37-5.7 (21) of the General Laws. The following constitutes the Investigating Committee's

Findings of Fact:

Findings of Facts

1. The Respondent, Norman M. Krause, MD has entered into an Amended Order with the Virginia Board of Medicine. The Board of Medical Licensure and Discipline finds the Respondent's actions to be unprofessional conduct by virtue of R.I.G.L. 5-37-5.1(21). The Amended Order issued by the Virginia Board of Medicine is incorporated and attached herewith.

The parties agree as follows:

The Respondent is a physician with an active allopathic license No. MD12557. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

- (1) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.
- (2) Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence in his behalf at a hearing;
 - c. The right to cross examine witnesses;
 - d. The right to have subpoenas issued by the Board;
 - e. The right to further procedural steps except for specifically contained herein;
 - f. Any and all rights of appeal of this Consent Order;
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
 - h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;

Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

- (3) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, a Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee votes in favor or finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written finding of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.
- (4) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.
- (5) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.
- (6) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
- (7) Respondent shall be subject to the same restrictions and limitations as imposed by the Virginia Board of Medicine.
- (8) Respondent agrees to pay an administrative fee of FIVE HUNDRED (\$500.00) DOLLARS within 60 days of ratification of this Order.

Signed this 5th day of April, 2011

Norman M Krause
Norman Krause, MD

Ratified by the Board of Medical Licensure and Discipline at a meeting held
on 4/13, 2011.

Michael Fine
Michael Fine, MD
Acting Director of Health

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: NORMAN KRAUSE, M.D.
License No.: 0101-243273

AMENDED ORDER

In accordance with Sections 54.1-2400(10), 2.2-4019, and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Norman Krause, M.D., on August 19, 2010, in Henrico, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Special Conference Committee ("Committee") were: Karen Ransone, M.D., Chair; Stuart Mackler, M.D.; and Wayne Reynolds, D.O. Dr. Krause appeared personally and was represented by Michael L. Goodman, Esq., and Kristi L. VanderLaan, Esq. Tracy E. Robinson, Adjudication Specialist, was present as a representative for the Administrative Proceedings Division of the Department of Health Professions. The purpose of the informal conference was to inquire into allegations that Dr. Krause may have violated certain laws governing the practice of medicine in the Commonwealth of Virginia, as set forth in a Notice of Informal Conference dated June 8, 2010.

By letter dated September 17, 2010, Mr. Goodman proposed a modification to Finding of Fact #4. After review of the information and evidence presented during Dr. Krause's informal conference, the Chair determined that Finding of Fact #4 should be changed. This Amended Order has been entered to reflect this change.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Now, having properly considered the evidence and information presented, the Committee makes the following Findings of Fact and Conclusions of Law:

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1. Norman Krause, M.D., was issued license number 0101-243273 by the Board to practice medicine and surgery in the Commonwealth of Virginia on March 18, 2008. Said license is currently inactive and will expire on July 31, 2012, unless renewed or otherwise restricted.

2. Dr. Krause violated Section 54.1-2915.A(18) of the Code and 18 VAC 85-20-26.C of the Board of Medicine General Regulations regarding his documentation of the care and treatment of Patient A, a 68-year-old male. Specifically, Patient A presented on or about August 19, 2008, for a follow up for complaints of effusion of the right knee. On that date, Dr. Krause aspirated the knee and injected a substance into the joint, but did not identify in the medical record the substance that was injected. Dr. Krause's dictated office note states that he sent the fluid removed from the knee for laboratory analysis; however, by his own admission, he did not send the fluid for analysis.

3. Dr. Krause stated to the Committee that he did not send the fluid for analysis because straw colored fluid represents a joint effusion, which is not routinely sent for analysis within the orthopedic standard of care. Dr. Krause admitted that his note failed to specify the substance injected; however, he noted that the billing records for the patient reflected that Depo-Medrol had been injected. Dr. Krause acknowledged that the billing records would not be a normal part of the patient record, and so would not be provided to subsequent practitioners.

4. Patient B, an 86 year old male, presented on or about July 15, 2008 with a soft-tissue lesion on his right third toe. On that date, Dr. Krause excised and sutured the lesion

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but did not send the removed tissue to pathology. Dr. Krause's office note for the patient's visit that date indicated he had removed a soft tissue lesion, without documenting dimensions of said lesion. During follow up on or about September 15, 2008, the nurse practitioner referred the patient to a podiatrist, as it appeared that the lesion had returned. The podiatrist identified the lesion as a high-grade malignant proliferating pilar tumor, and the patient's toe was amputated shortly afterward.

5. Dr. Krause stated to the Committee that he sent a tissue sample for laboratory cultures based on his impression that the toe was infected. Dr. Krause stated that he treated the patient aggressively with multiple antibiotics from July 15, 2008 to August 18, 2008, at which time the patient was told to remain on antibiotics and return in one month. The patient appeared to Dr. Krause to be improving, and he felt the patient was developing good granulation tissue at the site of the incision. On or about September 15, 2008, Patient B was seen at the one-month follow up appointment by a nurse practitioner, who referred the patient to a podiatrist because the lesion had recurred. Dr. Krause stated to the Committee that had he seen the patient at this visit, he would have excised the lesion and sent it for pathology.

6. From reviewing Dr. Krause's initial clinical encounter with Patient B, the Committee found that the note was written as if Dr. Krause recognized that the patient had a lesion, rather than an abscess or infection. Dr. Krause's clinical note states that the result of stab wounds of the lesion was "only serous fluid" and described a "soft tissue lesion, which was definitely felt to be chronic, but also perhaps infected." Additionally, the note failed to

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document the size or dimensions of the lesion. Further, Dr. Krause failed to properly process the excised specimen and send it for pathological examination.

7. The Committee fully reviewed Dr. Krause's treatment of Patient D, a 90-year-old female, and noted a significant lack of detail in Dr. Krause's operative record, such as screw size, patient position on operating table, estimated blood loss, and size of sutures utilized.

8. Dr. Krause stated to the Committee that his operative notes represent his clinical training in dictating such reports, and claimed that details could be found elsewhere in the record.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that Norman Krause, M.D., be, and hereby is, issued a REPRIMAND.

It is further ORDERED that Dr. Krause's license is subject to the following TERMS and

CONDITIONS:

1. Within six (6) months from entry of this order, Dr. Krause shall complete and submit a certificate or other evidence satisfactory to the Board verifying that he has completed twelve (12) hours of Board approved CME in the subject of medical recordkeeping. All CME shall be approved in advance of registration by the Executive Director of the Board, and shall be completed through face-to-face, interactive sessions (i.e. no home study, journal, or Internet courses). Any CME hours obtained in compliance with this term shall not be used toward compliance with the Board's continuing education requirements for license renewal.

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2. Upon completion of the above term, the Committee authorizes the Executive Director to close this matter or refer it to a Special Conference Committee for determination.

Violation of this Order may constitute grounds for the suspension or revocation of Dr. Krause's license. In the event Dr. Krause violates any of the terms and conditions of this Order, an administrative proceeding may be convened to determine whether such action is warranted.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Dr. Krause may, not later than 5:00 p.m., on September 27, 2010, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

Therefore, this Order shall become final on September 27, 2010, unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD

William L. Harp
FOR William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

ENTERED: 9/27/2010

Nunc Pro Tunc: August 23, 2010.

A TRUE COPY TESTE:
Martha O. Dobson
MARTHA O. DOBSON
DISCIPLINE SPECIALIST
VIRGINIA BOARD OF MEDICINE