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In The Matter Of Disciplinary Proceedings Against

FINAL DECISION AND ORDER

MICHAEL A. POLACEK,  
M.D

Case # 9903258MED

Respondent.

Division of Enforcement Case #94 MED 494

The parties to this action for the purposes of Wis. Stats. §. 227.53 are:

Michael A. Polacek, M.D.  
12286 Old Country Road  
Wellington, Florida 33414

Wisconsin Medical Examining Board  
P. O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P. O. Box 8935  
Madison, WI 53708-8935

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Michael A. Polacek, M.D., personally on his own behalf, and by Claudia Berry Miran, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

1. Michael A. Polacek, M.D., was born July 21, 1931. Dr. Polacek's latest address on file with the Department of Regulation and Licensing is 12286 Old Country Road, Wellington, Florida 33414.
1. Dr. Polacek is licensed to practice in the state of Wisconsin as a physician and surgeon pursuant to license #13584. This license was first granted on March 15, 1960. Dr. Polacek specializes in general surgery.
1. Dr. Polacek is also licensed to practice medicine and surgery in the state of Florida.
1. On August 27, 1991, patient EG presented at the West Allis Memorial Hospital emergency room with extensive laceration of the middle third of his right forearm, with muscle belly tendon lacerations and physical findings of weakness of extension of the fifth finger and of extension of the wrist.
1. Dr. Polacek rejoined tendons and closed the wounds. The operative report and hospital records indicate that a pressure dressing was applied to the wounds with Kerlix, and EG was sent home with the arm in a sling. EG failed to fully recover, sought a second opinion, and required additional surgery.

**CONCLUSIONS OF LAW**

1. The Medical Examining Board has jurisdiction in this matter pursuant to § 448.02 (3) (c), Stats.
1. The Medical Examining Board has authority to enter into this stipulated resolution without an evidentiary hearing pursuant to § 227.44 (5), Stats.
1. Dr. Polacek's failure to apply a rigid splint to EG's forearm after surgery constituted unprofessional conduct as defined by Wis. Adm. Code § MED 10.02 (2) (h).

**ORDER**

NOW, THEREFORE, IT IS ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that:

1. The license of Michael A. Polacek to practice medicine and surgery shall be, and hereby is, LIMITED in that he will not assist in or perform hand or tendon surgery.
4. The pending investigation, 94 MED 494, shall be, and hereby is, closed without further proceedings.
3. Pursuant to § 448.02 (4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Dr. Polacek has violated the terms of this Final Decision and Order, the Board may order that the license of Dr. Polacek to practice medicine and surgery in the State of Wisconsin be summarily suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

This Order shall become effective on the date of its signing.

By: \_\_\_\_\_ March 28, 1999

Ronald Grossman, M.D., Secretary Date

