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State of Wisconsin
Before the Medical Examining Board

In the Matter of the Disciplinary Proceedings Against

Jairo J. Mendivil, M.D.	Final Decision and Order
Respondent	LS0009204MED

The parties to this proceeding for purposes of s. 227.53, Stats., are:

Jairo Mendivil, M.D.

6308 8th Avenue

Kenosha, WI 53143

Medical Examining Board

Department of Regulation and Licensing

P. O. Box 8935

Madison, WI 53708

Division of Enforcement

Department of Regulation and Licensing

P. O. Box 8935

Madison, WI 53708

The parties having agreed to the attached stipulation, the Medical Examining Board makes the following,

Findings of Fact

1. Jairo J. Mendivil, MD. ("Respondent") was born on March 15, 1944, and is licensed to practice medicine and surgery in the state of Wisconsin pursuant to license #21504, first granted April 21, 1978. Respondent practices as a general surgeon in Kenosha, Wisconsin.
2. On June 28, 1994, Respondent performed a laparoscopic cholecystectomy on Patient A.S., a 71 year old woman.
3. Respondent discharged the patient from the hospital on June 29, the day after the surgery, although she had not voided on her own prior to discharge.
4. Several hours after she was discharged, the patient returned to hospital in septic shock, and she died in the hospital on July 1, 1994.
5. Respondent admitted negligence at trial in discharging the patient from the hospital before she had voided on her own.

6. On February 25, 1992, Respondent performed a cholecystectomy on Patient G.T., a 60 year old man, beginning at approximately 8. 15 p.m. and ending at approximately 10:45 p.m.
7. Respondent began the operation as a laparoscopic procedure, but converted it to an open procedure.
8. Before closing the patient, Respondent noted a retroperitoneal hematoma, but did not search out the cause of the hematoma.
9. The patient regained consciousness and was alert in the recovery room.
10. At approximately 3:00 a.m. on February 26, 1992, the patient was found unresponsive. He was resuscitated, and Respondent was called.
11. Respondent arrived at the hospital at approximately 4:00 a.m., to find that the patient had a low hematocrit. Suspecting an intra-abdominal bleed, Respondent performed exploratory surgery to locate and repair the source of the bleeding.
12. The second surgery began at approximately 5:00 a.m. and ended at approximately 7: 10a.m.
13. Respondent again noted the retroperitoneal hematoma, but did not search out the cause of the hematoma because it had remained the same size as it had been at the end of the first surgery and was not pulsating or expanding.
14. During the second surgery, Respondent did not locate any active bleeding which might explain the patient's low hernatocrit.
15. The patient did not regain consciousness after the second surgery, The patient remained in hypovolemic shock despite transfusion and fluids.
16. At approximately 2:00 p.m. on February 26, 1992, Respondent again took the patient to surgery, with the assistance of a vascular surgeon.
17. The vascular surgeon opened the hematoma Respondent had observed during the previous two surgeries, and discovered a small perforation in the patient's Right iliac artery, which he repaired.
18. The patient did not recover from the effects of hypovolemic shock, and died at approximately 3:00 p.m. on February 27, 1992.
19. The perforation of the iliac artery could have been caused by Respondent's insertion of the Veress needle and trocar into the patient's umbilicus at the beginning of the attempted laparoscopic cholecystectomy.

Conclusions of Law

1. The Medical Examining Board has jurisdiction in this matter pursuant to s. 448.03, Stats.
2. Negligence in treatment of a patient is grounds for disciplinary action by the Medical Examining Board pursuant to s. 448.02(3)(c), Stats.

Order

Now, therefore, Jairo Mendivil, M.D. is reprimanded and is ordered to:

Successfully complete at least 20 hours of continuing education approved by the Board in the topic of recognition and management of complications of laparoscopic surgery of the abdomen no later than July!, 2001. To be approved by the Board, any education shall require an evaluation of Dr. Mendivil's understanding of the material presented during the course. The evaluation shall be performed by a surgeon with no previous connection to Dr. Mendivil.

It is further ordered that Dr. Mendivil shall obtain the Board's approval of the course or courses he intends to complete in compliance with this Order before he takes the course or courses. Dr. Mendivil shall be solely responsible for all costs associated with completing the education required by this Order, and no part of the education may be credited to the continuing medical education requirements for renewal of Dr. Mendivil's registration to practice medicine and surgery in Wisconsin.

For purposes of obtaining approval of courses in compliance with this Order, Dr. Mendivil shall contact the Department Monitor, Division of Enforcement, P. O. Box 8935, Madison, Wisconsin 53708, who will consult with the Board's Monitoring Liaison.

It is further ordered that Dr. Mendivil will pay the partial costs of this matter, pursuant to s. 440.22, Stats., in the amount of \$750.00, within thirty days of the date of this Order.

Dated this 20th of September, 2000

Wisconsin Medical Examining Board

Darold Treffert, M.D.

A Member of the Board