

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
THEODORE G. GREEN, D.O., :
RESPONDENT. :

FINAL DECISION AND ORDER
LS # 0701031 MED

Division of Enforcement Case # 04 MED 075

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

Theodore G. Green, D.O.
13760 W. Capitol Drive
Brookfield, WI 53005

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Medical Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint on January 3, 2007. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the 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

1. Theodore G. Green, D.O., (DOB 05/26/1940) is duly licensed as a physician in the State of Wisconsin (license # 21-16986). This license was first granted on 10/30/1969.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 13760 W. Capitol Drive, Brookfield, Wisconsin, 53005.

3. Respondent is a general practice physician who, in the past, practiced obstetrics and gynecology for some of his female patients.

4. In 2003-2004, patient T.V. saw Respondent for her prenatal care. T.V. had a history of gestational diabetes, a loop electrocautery excision procedure (“LEEP”), and cold conization.

5. During her prenatal care, T.V. had multiple instances of elevated blood glucose. No screening for gestational diabetes was noted in the record and no treatment was documented.

6. Despite the patient’s history of LEEP and cold conization, the patient records contain no clear documentation of an assessment of her cervix. The condition of a patient’s cervix may contribute to preterm deliveries.

7. On January 12, 2004, T.V. delivered her infant prematurely.

8. The delivery was complicated by shoulder dystocia. Respondent applied fundal pressure during delivery.

9. The infant suffered a left humeral fracture, right Erb’s palsy, and hypoglycemia. She had other complications of prematurity.

10. The rules of the Department of Obstetrics and Gynecology at the hospital required an obstetric consult in all high-risk deliveries, including preterm deliveries. The State alleges that Respondent failed to obtain an obstetric consult. Respondent asserts that he directed a nurse to call for an obstetric consult but no such consult occurred.

11. Respondent signs this Stipulation in order to resolve this administrative proceeding. In doing so, he is not conceding he was negligent. Nor does he intend for anything contained within this Stipulation to be binding in any other proceeding.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.02, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described above constitutes a violation of Wisconsin Administrative Code § Med 10.02(2)(h), and subjects Respondent to discipline pursuant to Wis. Stat. § 448.02.

ORDER

IT IS ORDERED:

1. The license of Theodore G. Green, D.O., to practice medicine in the State of Wisconsin is LIMITED as follows:

(a) Respondent shall not practice obstetrics.

(b) Respondent shall, within six months of the date of this Order, complete 6 hours of continuing education in the diagnosis and treatment of diabetes.

i. Each course attended in satisfaction of this Order must be approved by the Medical Examining Board or its designee. Respondent will be responsible for locating courses satisfactory to the Medical Examining Board and for obtaining the required approval of the courses from the Medical Examining

Board or its designee.

- ii. Respondent will, within 60 days of completion of this educational requirement, file an affidavit with the Medical Examining Board stating under oath that he has attended in its entirety each of the courses approved for satisfaction of this requirement, along with supporting documentation of attendance from the sponsoring organizations. This affidavit and the supporting documentation of attendance will be filed with:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, Wisconsin 53708-8935

All certifications, affidavits or other documents required to be filed with the Medical Examining Board will be deemed filed upon receipt by the Department Monitor.

- iii. Respondent will be responsible for paying the full cost of attendance at these courses.
- iv. Respondent will not apply any of the continuing education credits earned in satisfaction of this Order toward satisfaction of his Wis. Stat. § 448.13 biennial training requirements.

2. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Four Thousand, Seven Hundred and Fifty Dollars (\$4,750.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

3. 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 pay costs as ordered, the Respondent's license (# 21-16986) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Medical Examining Board

By: Gene Musser
A Member of the Board

11/14/07
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : STIPULATION
THEODORE G. GREEN, D.O., :
 : LS# 0701031 MED
RESPONDENT. :

Division of Enforcement Case # 04 MED 075

Theodore G. Green, D.O., personally and by his attorney Michael Malone; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 04 MED 075). Respondent consents to the resolution of this investigation by stipulation.

2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Medical Examining 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Medical Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board 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. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Theodore G. Green, D.O.
13760 W. Capitol Drive
Brookfield, WI 53005

Date

Michael Malone
Attorney for Theodore G. Green, D.O.
Hinshaw & Culbertson LLP
100 E. Wisconsin Ave. Suite 2600
Milwaukee, WI 53202-4115

Date

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

Date