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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
 :
 WILLIAM L. GERARD, DO : FINAL DECISION & ORDER
 : FOR REMEDIAL EDUCATION
 : LS0801231MED
 :

Division of Enforcement Case # 05 MED 022

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

William L. Gerard, DO
5330 W. Villard Ave.
Milwaukee, WI 53218

Wisconsin Medical Examining Board
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

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

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Wisconsin Medical Examining Board (“Board”). The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. William L. Gerard, DO, (DOB August 7, 1944) is duly licensed and currently registered to practice medicine and surgery in the state of Wisconsin under license # 22936. This license was first granted on July 1, 1980.
2. Dr. Gerard’s most recent address on file with the Wisconsin Medical Examining Board is 5330 W. Villard Ave, Milwaukee, WI 53218.
3. At all times relevant to this action, Dr. Gerard, was providing obstetrical services as a physician to patients at St. Michael’s Hospital Milwaukee, Wisconsin. Dr. Gerard did not hold forceps or vacuum extraction privileges at that hospital.
4. On January 29, 2002, at 9:45 p.m., Patient A, an 18 year old primapara at 41 weeks gestation, was admitted to the labor and delivery department at St. Michael’s Hospital, Milwaukee, Wisconsin. Labor was estimated to have commenced at approximately 7:00 p.m.

5. Dr. Gerard was notified of the admission by the assigned labor and delivery nurse at 10:20 p.m.
6. At 11:40 the nurse updated Dr. Gerard regarding the patient's vaginal examination findings and Dr. Gerard asked to have a resident rupture the patient's membrane. Labor was progressing normally at this time.
7. The membrane ruptured spontaneously prior to completion of Dr. Gerard's order.
8. The patient had been moved from a chair, to semi-fowlers to semi-fowlers/right sided position since her admission.
9. At 11:50 the nurse notified Dr. Gerard that the patient was completely dilated and Dr. Gerard advised the nurse that he was en route to the hospital.
10. Following the rupture of membranes, decelerations were noted to drop to the 70s and the tracings were noted as intermittent. The nurse placed a tight face mask with oxygen on the patient and fully opened the IV administering fluids. The nurse did not make any additional changes to the patient's position and did not notify Dr. Gerard or any other staff of the change in the fetal heart rate. Despite only intermittent tracings on the external monitor, no internal scalp electrode was placed at that time.
11. Dr. Gerard arrived at the hospital at 12:25 a.m. on January 30, 2002.
12. Upon arrival, Dr. Gerard reviewed the fetal monitor tracings and noted that the tracings were intermittent with late decelerations and no short term variability was present. Dr. Gerard believed the tracings to be non-reassuring.
13. Dr. Gerard performed a vaginal examination, reviewed the patient's chart, placed an internal fetal scalp electrode and catheterized the patient by 12:40 a.m.
14. The fetal monitoring strips continued to be non-reassuring.
15. The patient was in a supine position and had been pushing since Dr. Gerard's arrival at the hospital.
16. Dr. Gerard did not perform fetal scalp stimulation, reposition the patient on her side or ask that the patient decrease the intensity of her pushing.
17. Dr. Gerard believed that continued pushing was necessary to have the fetus delivered as quickly as possible.
18. Dr. Gerard reexamined the patient at 12:40 a.m. and believed the fetus could be delivered vaginally within a few contractions. Dr. Gerard had the patient placed in a knees- up position, performed an episiotomy and encouraged the patient to continue pushing.
19. Dr. Gerard did not request that staff contact a physician with forceps or vacuum extraction privileges as he felt those mechanisms were unnecessary since delivery was imminent.
20. Dr. Gerard did not request that staff arrange for a C-section team to be available in the event vaginal delivery was unsuccessful or arrange for a neonatologist to be present to assist in resuscitation of the infant if necessary. A nurse anesthetist was present during the delivery and assisted during the resuscitation.
21. At Dr. Gerard's direction, fundal pressure was applied during the last one or two contractions and the female infant was delivered at 1:02 a.m. on January 30, 2002.
22. The nuchal cord was noted to be in a single, tight loop around the neck and resuscitation was attempted. Apgars at 1 minute were 4 and 5 at 5 minutes.

23. When the infant did not show good resuscitation effort by 1:15a.m., Dr. Gerard consulted a neonatologist. Spontaneous breathing was noted at 1:45 a.m.

24. The infant was ultimately diagnosed with encephalopathy.

CONCLUSIONS OF LAW

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

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. William L. Gerard, DO, will, within nine (9) months of the date of this Order, participate in and successfully complete the education course entitled “Advanced Life Support in Obstetrics” offered through the American Academy of Family Physicians.
2. Dr. Gerard shall also complete four (4) hours of continuing education in the use and interpretation of electronic fetal monitoring.
3. Dr. Gerard shall be responsible for obtaining the course/s required under paragraph two of this Order, for providing adequate course descriptions to the Department Monitor and for obtaining pre-approval of the course from the Wisconsin Medical Examining Board or its delegee prior to commencement of the program/s.
4. The courses set forth in paragraphs one and two above may not be used in satisfaction of the statutory continuing education requirements for licensure.
5. Within thirty (30) days following completion of the courses herein identified, Dr. Gerard shall file with the Wisconsin Medical Examining Board certifications from the sponsoring organization verifying his attendance at the required courses.
6. All documents required to be filed under this Order shall be submitted to the Department Monitor whose address is set forth below.
7. All costs of the educational programs shall be the responsibility of Dr. Gerard.

IT IS FURTHER ORDERED that:

8. Respondent shall, within ninety days from the date of this Order, pay costs of this proceeding in the amount of three thousand four hundred and twenty eight (\$3428.00) dollars. 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

9. 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 Dr. Gerard's license. The Board in its discretion may in the alternative impose conditions and limitations or other discipline for a violation of any of the terms of this Order. In the event Dr. Gerard fails to complete the educational programs within the specified time or fails to pay costs as ordered, his license (#22936) SHALL BE SUSPENDED, without further notice or hearing, until he has complied with the terms of this Order.

10. This Order is effective on January 23, 2008.

WISCONSIN MEDICAL EXAMINING BOARD

By: Gene Musser MD
A Member of the Board

1/23/08
Date