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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

JUNG-NAN TSAI, M.D., :
RESPONDENT. :

FINAL DECISION AND ORDER
LS0905207MED

[Division of Enforcement Case #06 MED 412]

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

Jung-Nan Tsai, M.D.
1006 Edgewood Circle
Marinette, WI 54143

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

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 Medical Examining 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. Jung-Nan Tsai, M.D., (“Respondent”) was born on May 27, 1941, and is licensed to practice medicine and surgery in the state of Wisconsin pursuant to license number 20-20449. This license was first granted on October 1, 1976.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 1006 Edgewood Circle, Marinette, Wisconsin 54143.
3. At all times relevant to this proceeding, Respondent was working as a physician at Aurora Medical Group, 1510 University Drive, Marinette, Wisconsin. Respondent is a pediatrician.
4. Patient P.K. is a female born on March 25, 2002.
5. On April 15, 2002, Respondent saw Patient P.K., and, in the course of his examination, he had a complete blood count analysis performed. The analysis showed a white blood cell count of 26,700, which is indicative of a serious

systemic infection. Because Patient P.K. showed no other symptoms of infection, Respondent did not repeat the analysis or begin empirical treatment.

6. On April 16, 2002, Respondent was informed that the sample of Patient P.K.'s blood had grown staph. aureus; he called the patient's mother, who informed him that Patient P.K. seemed well, and Respondent theorized that the sample had been contaminated. Nonetheless, he advised the patient's mother to be watchful and to return to the clinic promptly if Patient P.K. seemed in any way to be not quite healthy.

7. On April 22, 2002, Patient P.K. was hospitalized with a systemic staph. infection, osteomyelitis in an elbow, knee, and hip, and treated for several weeks as an in-patient with IV antibiotics before being released home to continue IV antibiotic treatment for several more weeks.

8. The minimally competent medical response to a white blood cell count of 26,700 in an infant is to take another sample and repeat the test no later than the next day, or diagnose and treat the infection, or both.

9. Respondent has retired from the practice of medicine, and has stated his intention to let his license lapse on its next scheduled renewal date.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.02(3), and 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 the Board accepts the offer by Jung-Nan Tsai, M.D. to let his license lapse effective October 31, 2009.

IT IS FURTHER ORDERED that the Department of Regulation and Licensing shall not process any application for renewal of the license of Jung-Nan Tsai, M.D., for any period after October 31, 2009.

Wisconsin Medical Examining Board

By: Gene Musser MD
A member of the Board

5/20/09
Date