

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
:
THOMAS T. WEISENBURGER, R.C.P., : LS0901213MED
RESPONDENT. :

Division of Enforcement Case No. 06 MED 113

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

Thomas T. Weisenburger, R.C.P.
W161N11671 Church Street
Germantown, WI 53022

Wisconsin Medical Examining Board
PO Box 8935
Madison, WI 53708-8935

Wisconsin Department of Regulation and Licensing
Division of Enforcement
PO 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 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. Thomas T. Weisenburger, R.C.P. (DOB 03/12/47) is duly licensed to practice respiratory care in the state of Wisconsin (license #28-2180). This license was first granted on December 6, 1996.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is W161N11671 Church Street, Germantown, Wisconsin 53022.
3. At all times relevant to this action, Respondent was working as a respiratory care practitioner at St. Joseph's Community Hospital of West Bend in West Bend, Wisconsin.
4. On or about November 12, 2003, Patient EH was admitted to the hospital with a history of progressive small cell carcinoma of the lung and pneumonia. The physician ordered that the patient be administered supplemental oxygen pursuant to the oxygen protocol to maintain oxygen saturation at greater than 90% and that the physician be notified if the oxygen saturation could not be maintained above 90%.
5. On or about November 14, 2003, at approximately 2145, Respondent documented in the chart that the patient's oxygen saturations dropped to 65% on 6 LPM of oxygen delivered by nasal cannula. The physician was not notified about

any changes in condition.

6. At approximately 2145, Respondent increased the patient's supplemental oxygen to 10 LPM delivered by a non-rebreather mask. The resulting oxygen saturation was 83% when checked at 2210. Again, the physician was not notified about any changes in condition.

7. On or about November 15, 2003 at 0205, Patient EH was found with no blood pressure, heart rate or respirations.

8. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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).

2. The conduct described in paragraphs 4 thru 7, above, constitutes a violation of Wis. Admin. Code § Med 10.02(2)(h).

ORDER

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

IT IS FURTHER ORDERED that Thomas T. Weisenburger, R.C.P. is hereby REPRIMANDED.

IT IS FURTHER ORDERED that Thomas T. Weisenburger, R.C.P. is LIMITED as follows:

1. Within 9 months of the date of this Final Decision and Order, Respondent shall take and complete 16 hours of continuing education in recognition of respiratory failure and 8 hours in communication and documentation. The courses attended in satisfaction of this Order must be pre-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. 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 the courses approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organization. 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, WI 53708-893 5

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.

2. Respondent will be responsible for paying the full cost of attendance at these courses.

IT IS FURTHER ORDERED that:

3. Respondent shall, within sixty (60) days from the date of this Order, pay costs of this proceeding in the amount of FOUR HUNDRED dollars (\$400.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to the Department Monitor at the address provided above.

4. In the event Respondent fails to timely pay costs as ordered or fails to comply with the ordered continuing education,

Respondent's license (#28-2180) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order. The Board or its designee will remove the suspension, if provided with sufficient information that Respondent is in compliance with the Order and that it is inappropriate for the suspension to remain in effect. The Board in its discretion may impose additional conditions and limitations for a violation of any of the terms of this Order.

5. Respondent is responsible for compliance with all of the terms and conditions of this Final Decision and Order.

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

MEDICAL EXAMINING BOARD

By: Gene Musser MD
A Member of the Board

1/21/09
Date