

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
ERIC BREKKE, M.D., : FINAL DECISION AND ORDER
RESPONDENT. :
ORDER 0002306

Division of Legal Services and Compliance¹ Case No. 12 MED 258

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

Eric Brekke, M.D.
Gundersen Lutheran
1900 South Ave.
La Crosse, WI 54601

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Eric Brekke, M.D., (dob January 23, 1961), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 20-29707, first issued on August 25, 1988, with registration current through October 31, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Gundersen Lutheran, 1900 South Avenue, La Crosse, Wisconsin 54601.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. On July 25, 2007, Patient A presented to Respondent in the emergency room at Gundersen Lutheran Medical Center in La Crosse with a complaint of abdominal pain of six days' duration. Respondent admitted Patient A with a diagnosis of subacute appendicitis. He ordered a CT scan of the abdomen and pelvis. The abdominal CT revealed an incidental finding of a left renal mass. The radiology report was finalized that day at 5:56 p.m. and the radiologist's impressions were as follows:

1. Ruptured appendicitis with extensive inflammatory changes within the right lower quadrant. No localized abscess at this time amenable to percutaneous drainage.
2. Left renal mass versus normal parenchyma. Recommend ultrasound for further evaluation.

3. On July 26, 2007, Respondent performed an open right lower quadrant exploration with appendiceal abscess drainage. He dictated an operative report which indicates he reviewed the CT report that showed the renal mass but does not indicate he noted the finding of a left renal mass. Respondent's Indications for Procedure state:

. . . Abdominal-pelvic CT scan, performed on July 25, 2007, demonstrates findings consistent with "ruptured appendicitis with extensive inflammatory changes within the right lower quadrant. No localized abscess at this time amenable to percutaneous drainage"

4. On July 30, 2007, Respondent discharged Patient A with no follow up scheduled to further evaluate the incidental mass indicated on the CT report.

5. In April of 2011, Patient A was admitted to the hospital for lower back pain. At that time, the kidney tumor was identified and he was diagnosed with metastatic clear cell carcinoma of the kidney. Patient A later died.

6. Respondent's conduct, as set forth above, tended to constitute a danger to the health, welfare and safety of Patient A by failing to timely diagnose and treat the renal mass present in 2007, as shown on contemporary imaging and documented by the radiologist.

7. Following the above events, Gundersen Lutheran implemented quality improvement measures with regard to radiology exams and "incidental" findings. The measure now requires the radiologist to call the ordering provider to discuss any "incidental" findings rather than just issue a report so that appropriate action and follow-up can be taken.

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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Eric Brekke, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(h) by failing to timely diagnose and treat a renal tumor.

3. As a result of the above conduct, Eric Brekke, M.D. is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Eric Brekke, M.D., is REPRIMANDED.

3. Within 90 days from the date of this Order, Eric Brekke, M.D., shall pay COSTS of this matter in the amount of \$750.00.

4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

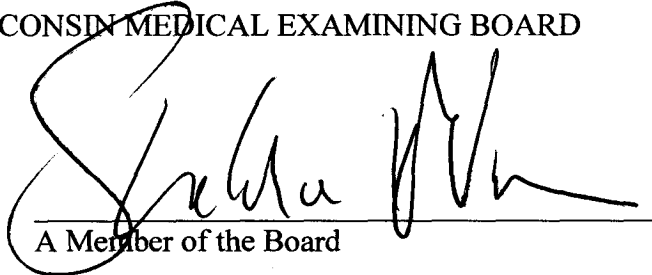
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. 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 timely submit payment of costs as ordered, Respondent's license (no. 20-29707) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:


A Member of the Board

2/25/13
Date