

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 :
 :
 : **FINAL DECISION AND ORDER**
THERESE J. GESTELAND, M.D., :
RESPONDENT. :
 : **ORDER 0002352**

Division of Legal Services and Compliance Case No. 12 MED 163

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

Therese J. Gesteland, M.D.
Infinity Healthcare
111 E. Wisconsin Avenue, Suite 2100
Milwaukee, WI 53202

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 Therese J. Gesteland, M.D. (dob May 27, 1970), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 20-40936, first issued on April 23, 1999 with registration current through October 31, 2013. Therese J. Gesteland, M.D.'s most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Infinity Healthcare, 111 E. Wisconsin Avenue, Suite 2100, Milwaukee, Wisconsin 53202.

2. On June 13, 2003, Respondent (then practicing under her former name of Theresa J. Bullis) was an emergency department physician at St. Joseph's Community Hospital,

West Bend, Wisconsin, when a 48-year-old man was brought in by family with a chief complaint of having trouble speaking, left side facial weakness, problems swallowing, and dizziness. Respondent examined the patient, and noted that several diagnoses were possible, including stroke, TIA, and Bell's Palsy. Following CT, Respondent informed the patient that she believed he had Bell's Palsy. She did not inform the patient that other diagnoses were possible and could have significant health consequences, or that they could and should be evaluated further by further work up such as carotid ultrasound, MRI and close followup with a neurologist.

3. The Board did not learn of this matter until June 5, 2012, following the conclusion of civil litigation.

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, Therese J. Gesteland, M.D. violated Wis. Admin. Code § Med 10.02(2)(a) by failing to provide the patient with the information which a reasonable patient would need in order to make an informed decision concerning whether and when to follow-up with other physicians or tests, to detect or rule out other significant conditions which were within Respondent's differential diagnosis, as required by Wis. Stat. § 448.30.

3. As a result of the above violations, Therese J. Gesteland, M.D. is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Therese J. Gesteland, M.D. is REPRIMANDED.

3. Within 30 days from the date of this Order, Therese J. Gesteland, M.D. shall pay the COSTS of this matter in the amount of \$300.

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

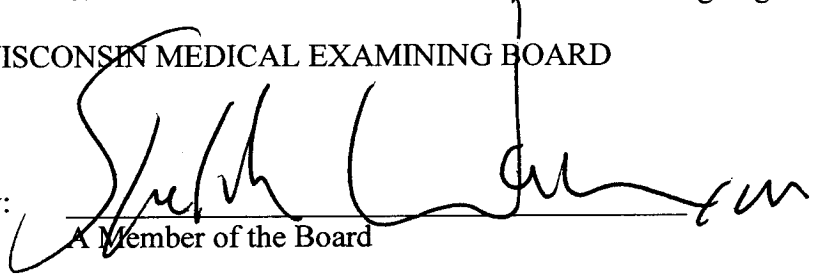
5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of

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. 20-40936) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:



A Member of the Board

March 20, 2013

Date

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