

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DOROTHY A. NOVAK, M.D.,  
RESPONDENT.

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**FINAL DECISION AND ORDER**

**ORDER 0002363**

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 MED 303

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

Dorothy A. Novak, M.D.  
10855 N. Roy Road  
Hayward, WI 54843

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 Dorothy A. Novak, M.D. (dob August 30, 1950), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 20-21797, first issued on July 14, 1978 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 10855 N. Roy Road, Hayward, Wisconsin 54843. Respondent is certified by the American Board of Family Medicine, and the American Board of Emergency Medicine.

2. Respondent was previously disciplined by the Board in file number 07 MED 259, in which she was reprimanded for failing to diagnose testicular torsion.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

3. On April 8, 2012, an 86-year-old woman presented to the emergency department of a small rural community hospital with a complaint of three days of abdominal pain, with constipation, fever, nausea, and vomiting. Respondent examined the patient, and ordered a CBC with chemistry panel, urinalysis, and an x-ray. The x-ray showed a large amount of stool "cannot exclude a mass." The patient had an elevated white blood cell count. Upon examination, the patient's abdomen was soft and tender to palpation in both lower quadrants. Bowel sounds were diminished in all four quadrants. Respondent ordered an enema, which did not produce significant results.

4. Respondent then discharged the patient with instructions to drink four quarts of a polyethylene glycol solution containing electrolytes, and then to use another formulation of polyethylene glycol daily.

5. Approximately 11 hours later, the patient returned to the emergency department complaining of incapacitating abdominal pain. The patient reported drinking approximately 2 quarts of the polyethylene glycol/electrolyte solution. Following an examination by another physician, the patient was flown to a tertiary care hospital emergently, where she was found to have a perforated sigmoid diverticulitis with diffuse peritonitis and sepsis. A large inflammatory mass was found in the pelvis, and was identified as the sigmoid colon. The patient died the following day.

6. A patient who has abdominal pain with constipation, fever, nausea, and vomiting, high white blood cell count, and for whom an enema does not produce significant results, most likely has an obstruction. Polyethylene glycol is not indicated for patients with an intestinal obstruction. The patient should have been kept in the hospital for monitoring, and a CT with contrast ordered.

7. 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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Dorothy A. Novak, M.D. engaged in conduct defined as unprofessional by Wis. Admin. Code § Med 10.02(2)(h).

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

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Dorothy A. Novak, M.D., is REPRIMANDED.

3. The medicine and surgery license issued to Dorothy A. Novak, M.D., (license number 20-21797) is LIMITED as follows:

- a. Within 6 months of the date of this Order, Respondent shall successfully complete a substantial course (8-10 hours) in acute abdomen presentation and treatment, which has been pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
- b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- c. This limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within 90 days from the date of this Order, Dorothy A. Novak, M.D., shall pay COSTS of this matter in the amount of \$350.

5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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](mailto:DSPSMonitoring@wisconsin.gov)

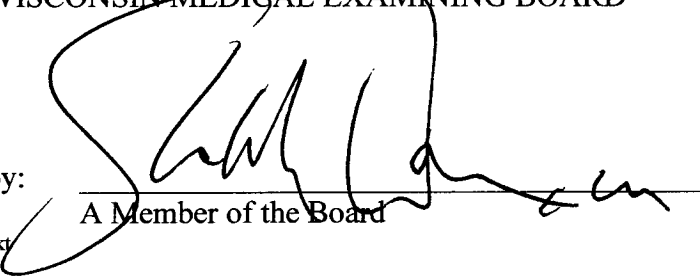
6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 20-21797) 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 and completion of the education.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:

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A Member of the Board

March 20, 2013

Date