

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
KENNETH S. RASKIN, M.D., :
RESPONDENT. : **0002623**

Division of Legal Services and Compliance Case No. 13 MED 046

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

Kenneth S. Raskin, M.D.
5790 Stefanie Way
Caledonia, WI 53108-9561

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 Kenneth S. Raskin, M.D., (dob August 23, 1968), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 45098-20, first issued on October 31, 2002, 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 5790 Stefanie Way, Caledonia, Wisconsin 53108-9561.

2. On January 14, 2009, at approximately 0700 hours, Patient A presented to Respondent for induction of labor.

3. Patient A was ready for delivery at 1740 hours. Respondent appropriately evaluated the fetal heart-rate strips. Variable decelerations occurred on a regular basis thereafter.

4. At 1824 hours, due to the concerning fetal heart-rate, Respondent initiated vacuum attempts to expedite delivery. Respondent applied a Mityvac, but suction was inadequate to further the infant's descent. At 1827, Respondent attempted to use another vacuum device, a Kiwi, but again suction was inadequate to further the infant's descent.

5. Over a period of approximately 46 minutes, Respondent attempted a vacuum delivery nine times.

6. At 1909 hours, Respondent decided to proceed to C-section, and at 1927 hours the baby was delivered.

7. Upon delivery, the infant had a nuchal umbilical cord, which was frail and flimsy. The pathologist measured the cord at 15.2 cm; a chord of less than 25 cm is considered short. A short umbilical cord can make a safe vaginal delivery impossible.

8. Respondent's care fell below the standard of minimal competence because he did not recognize the need for a C-section in a timely manner.

9. Under the facts at issue, a minimally competent physician would have used only one device to effectuate the infant's descent through the birth canal, and would have recognized the need for a C-section after fewer than nine attempts at vacuum delivery.

10. By failing to perform a C-section in a timely manner, Respondent created an unacceptable risk that the infant would suffer severe injury or death.

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 Kenneth S. Raskin, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(h).

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Kenneth S. Raskin, M.D., is REPRIMANDED.

3. The medicine and surgery license issued to Kenneth S. Raskin, M.D., (license number 45098-20) is LIMITED as follows:

- a. Within nine (9) months of the date of this Order, Respondent shall successfully complete 10 hours of remedial education on the topic of working with intraoperative deliveries.
- b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course(s) descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Wisconsin Medical Examining Board, or its designee, prior to commencement of the course(s).
- c. The Board or its designee may reject any course(s) and may accept a course(s) for less than the number of hours for which Respondent seeks approval.
- d. Within thirty (30) days of completion of each educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that he has attended, in its entirety, the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.
- e. Respondent is responsible for all costs associated with compliance with this remedial educational requirement.
- f. None of the remedial education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

4. Within 90 days from the date of this Order, Kenneth S. Raskin, M.D., shall pay COSTS of this matter in the amount of \$500.00.

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:

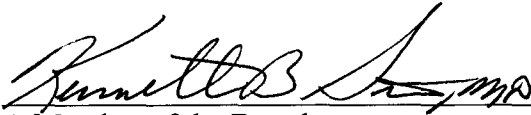
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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. 45098-20) 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 and completion of the education.

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

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board

2/18/13
Date