

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

RAYMOND BAUER, D.O., :
RESPONDENT. :

FINAL DECISION AND ORDER

LS9803264MED

Division of Enforcement
96 MED 070

The parties to this proceeding for purposes of sec. 227.53, Stats., are:

Raymond Bauer, D.O.
Greenlane Family Practice
830 East Green Bay Ave.
Saukville, WI 53080

Wisconsin Medical Examining Board
1400 E. Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
1400 E. Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Raymond Bauer, D.O., personally, and by Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Raymond Bauer, D.O., Greenlane Family Practice, 830 East Green Bay Avenue, Saukville, Wisconsin, 53080, was born on 7/26/58, and has been licensed and currently registered to practice medicine and surgery in the state of Wisconsin since 10/24/86, licensee # 27922.
2. Dr. Bauer specializes in family practice.

3. On 9/2/90 at 1118, a 63 year-old female patient presented at St. Mary's Hospital-Ozaukee emergency room with a complaint of lower abdominal pain and a history of nausea, vomiting and constipation. An abdominal series revealed no evidence of a bowel obstruction, however, the patient's abdominal pain persisted and her stomach continued to be distended after three soap-suds enemas had been administered in the emergency room. Dr. Bauer was the on-call physician at the time. The emergency room physician contacted Dr. Bauer to request that he admit the patient to the hospital for observation. Dr. Bauer admitted the patient for observation and sought consultation with a general surgeon. An oral GoLytely preparation was administered to the patient by order of Dr. Bauer following the patient's admission to the hospital. X-rays taken at 2230 on 9/2/90 revealed free intraperitoneal air with a small amount of free air under each hemidiaphragm. Dr. Bauer and the general surgeon were of the opinion that the patient had a probable perforation of her bowel. On the following day, 9/3/90, a gastrografin enema demonstrated a perforation of the sigmoid colon. On 9/3/90 at 1325, the patient was taken to the operating room where the surgeon performed a resection of the perforated sigmoid colon and a colostomy. As a consequence of the delay in diagnosis and appropriate treatment, there was a massive amount of fecal contamination throughout the abdomen with resultant peritonitis.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to sec. 448.02, Stats.
2. The Wisconsin Medical Examining Board has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.
3. Dr. Bauer's conduct in failing to make a timely diagnosis and to make provisions for prompt treatment of the perforated sigmoid colon was conduct in violation of sec. 448.02(3), Stats., and Wis. Admin. Code sec. MED 10.02(2)(h).

ORDER

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

IT IS FURTHER ORDERED that Raymond Bauer, D.O., license # 27922, is REPRIMANDED.

IT IS FURTHER ORDERED that Raymond Bauer, D.O. will attend 40 hours of Category I continuing medical education courses on the diagnosis and treatment of gastrointestinal emergencies. Each course attended in satisfaction of this Order must be preapproved by the Wisconsin Medical Examining Board or its designee. Dr. Bauer will be responsible for locating courses satisfactory to the Wisconsin Medical Examining Board and for obtaining the required preapproval of the courses from the Wisconsin Medical Examining Board or its designee. Dr. Bauer will complete this educational requirement within one year of the date of this Final Decision And Order. Dr. Bauer will within 60 days of completion of this educational requirement submit an affidavit to the Wisconsin Medical Examining Board stating under oath that he has attended in its entirety each of the courses approved for satisfaction of this

requirement along with supporting documentation of attendance from the sponsoring organizations. This affidavit and the supporting documentation of attendance will be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

IT IS FURTHER ORDERED that Raymond Bauer, D.O. will not apply any continuing medical education credits earned in satisfaction of this Order toward satisfaction of his sec. 448.13, Stats., biennial training requirements.


IT IS FURTHER ORDERED that Raymond Bauer, D.O. will appear before the Medical Examining Board, if an appearance is requested by the Board, at the conclusion of the educational program to establish that he has complied with all of the terms of this Final Decision and Order.

IT IS FURTHER ORDERED that pursuant to sec. 448.02(4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Dr. Bauer has violated the terms of this Final Decision and Order of the Wisconsin Medical Examining Board, the Board may order that the license of Dr. Bauer to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Final Decision And Order to petition the Wisconsin Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 26 day of March, 1998.

WISCONSIN MEDICAL EXAMINING BOARD



Member, Wisconsin Medical Examining Board

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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
RAYMOND BAUER, D.O., :
RESPONDENT. :

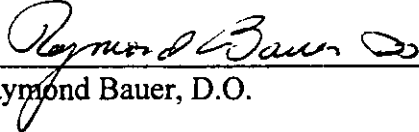
Division of Enforcement
96 MED 070

It is hereby stipulated between Raymond Bauer, D.O., personally, and Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

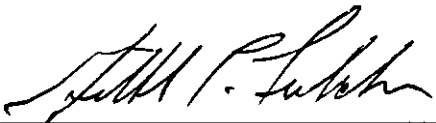
1. Raymond Bauer, D.O., Greenlane Family Practice, 830 East Green Bay Avenue, Saukville, Wisconsin, 53080, was born on 7/26/58 and has been licensed and currently registered to practice medicine and surgery in the state of Wisconsin since 10/24/86, license # 27922.
2. An investigation, 96 MED 070, is pending before the Wisconsin Medical Examining Board.
3. Dr. Bauer consents to the entry of a Final Decision and Order, a copy of which is attached hereto and incorporated herein, as the full and final resolution of this matter.
4. The parties waive all costs of this proceeding.
5. Dr. Bauer understands that by signing this Stipulation, he freely, voluntarily and knowingly waives his rights, including the right to be represented by an attorney, the right to a hearing on the allegations against him, the right to confront and cross-examine witnesses against him, the right to call witnesses on his behalf and to compel their attendance by subpoena, the right to testify on his own behalf, the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the Final Decision and Order, the right to petition for rehearing, the right to judicial review, and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
6. The parties to this Stipulation and the Case Advisor, Sidney E. Johnson, M.D., may appear before the Wisconsin Medical Examining Board in support of this Stipulation. Any appearance by any party pursuant to this paragraph will be preceded by proper and timely notice to all parties to this proceeding.
7. This Stipulation is subject to approval by the Case Advisor, Sidney E. Johnson, M.D., and by the Supervisor of Attorneys in the Division of Enforcement, and acceptance by the Wisconsin Medical Examining Board.

8. If any term of this Stipulation or the incorporated Final Decision and Order is not approved by the Case Advisor and by the Supervisor of Attorneys, and accepted by the Wisconsin Medical Examining Board, then no term of this Stipulation or the Final Decision and Order will be binding in any manner on any party, and the matter will be returned to the Division of Enforcement for further proceedings.

Dated: March 23 1998


Raymond Bauer, D.O.

Dated: 3/25/98


Gilbert C. Lubcke
Attorney for the Department of Regulation
and Licensing, Division of Enforcement

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Raymond Bauer, D.O.,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On March 30, 1998, I served the Final Decision and Order dated March 26, 1998, LS9803264MED, upon the Respondent Raymond Bauer, D.O. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 159 369.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

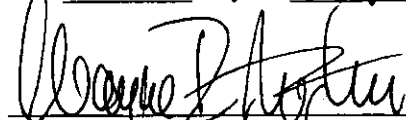
Raymond Bauer, D.O.
Greenlane Family Practice
830 E. Green Bay Avenue
Saukville WI 53080



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 30th day of March, 1998.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: RAYMOND BAUER DO

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 3/30/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING.

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935