

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing 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 Regulation and Licensing 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 Regulation and Licensing 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 Regulation and Licensing, 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 Regulation and Licensing 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/wscqa>.
- 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 DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

**State Of Wisconsin  
Before The Medical Examining Board**

In The Matter Of Disciplinary Proceedings Against

Jill Pamela Harman, M.D.,  
Respondent.

FINAL DECISION AND ORDER  
Case LS9807238MED

Division of Enforcement Case #94 MED 076

The parties to this action for the purposes of Wis. Stats. §. 227.53 are:

Jill Pamela Harman, M.D.  
844 Millbrook Drive  
Neenah, WI 54956

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

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

The Wisconsin Medical 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 Jill Pamela Harman, M.D., personally, and by Claudia Berry Miran, 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. Jill Pamela Harman, M.D., was born May 22, 1953. Dr. Harman's latest address on file with the Department of Regulation and Licensing is 844 Millbrook Drive, Neenah, WI 54956.
2. Dr. Harman is licensed to practice in the state of Wisconsin as a physician and surgeon pursuant to license #23375, which was first granted on August 19, 1980. Dr. Harman is in family practice.
3. At approximately 4:00 a.m. on September 21, 1989, patient AA and her husband presented at the emergency room at Theda Clark Hospital with a complaint of a shoulder injury as the result of a fall which happened about eight hour earlier. AA complained of severe pain to the back of her right shoulder and some numbness to the fingers of the right hand.

4. After x-rays were obtained, Dr. Jill Harman examined AA. Dr. Harman interpreted the x-rays as revealing a fractured humeral head. She applied a shoulder immobilizer, prescribed Tylenol #3 for pain, and instructed AA and her husband to call their clinic in the morning for an appointment with an orthopedic specialist. She also told them to call a doctor immediately if there was any change in AA's condition.
5. Dr. Harman left the emergency department at 8:00 a.m. on September 21. Later on September 21, Dr. Lawrence Bauer of the radiology department interpreted the films as showing both the fracture noted by Dr. Harman and an anterior inferior dislocation of the shoulder.
6. Dr. Harman returned to the emergency room at 8:00 a.m. on September 22, and noted Dr. Bauer's additional diagnosis of the dislocation. Emergency room staff contacted AA's husband in follow-up. An orthopedic surgeon corrected the dislocation, but AA had some nerve damage.

### CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this matter pursuant to § 448.02 (3) (c), Stats.
2. The Medical Examining Board has the authority to resolve this disciplinary proceeding by Stipulation without an evidentiary hearing pursuant to § 227.44 (5), Stats.
3. Dr. Harman's failure to diagnose the anterior inferior dislocation of AA's shoulder constitutes unprofessional conduct as defined by Wis. Adm. Code § MED 10.02 (2) (h).

### ORDER

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

IT IS FURTHER ORDERED that:

1. Dr. Jill Pamela Harman is hereby REPRIMANDED.
2. Dr. Harman shall, not later than sixty (60) days following the effective date of this order, pay to the Department \$200 toward the costs of the investigation, pursuant to § 440.22, Stats.
3. Dr. Harman shall, within twelve (12) months of the date of this order, submit documentation acceptable to the Board showing successful completion of Category I continuing education in the following areas:
  - a. orthopedic diagnosis, 15 hours; and
  - b. risk management, 15 hours.

RECEIVED

JUN 25 1998

3. Dr. Harman shall obtain pre-approval of one or more courses from the Board or its designated agent before she takes the course(s) in fulfillment of this requirement.
4. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including pre-approval of continuing education and receipt of all reports. The Department Monitor may be reached as follows:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P. O. Box 8935  
Madison, WI 53708-8935  
FAX (608) 266-2264  
TEL. (608) 267-7139

IT IS FURTHER ORDERED that pursuant to § 448.02 (4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Dr. Harman 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. Harman 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."

This Order shall become effective on the date of its signing.

By: Wanda Roever  
Wanda Roever, Secretary

July 23, 1998  
Date

cbm

**State Of Wisconsin  
Before The Medical Examining Board**

In The Matter Of Disciplinary Proceedings Against

Jill Pamela Harman, M.D.  
Respondent.

STIPULATION  
Case LS9807238 MED

Division of Enforcement Case #94 MED 076

It is hereby stipulated between Jill Pamela Harman, M.D., personally on her own behalf, and Claudia Berry Miran, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Jill Pamela Harman, M.D., was born May 22, 1953. Dr. Harman's latest address on file with the Department of Regulation and Licensing is 844 Millbrook Drive, Neenah, WI 54956.
2. Dr. Harman is licensed to practice in the state of Wisconsin as a physician and surgeon pursuant to license #23375, which was first granted on August 19, 1980. Dr. Harman is in family practice.
3. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement into Dr. Harman's license.
4. Dr. Harman 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, without the issuance of a formal complaint.
5. Dr. Harman is aware of and understands each of her rights, including:
  - The right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence;
  - The right to confront and cross-examine the witnesses against her;
  - The right to call witnesses on her behalf and to compel their attendance by subpoena;
  - The right to testify herself;
  - 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;
  - The right to petition for rehearing;
  - The right to be represented at every stage of the proceeding, including the making of any stipulation by an attorney of her own choosing, at her own expense; and
  - All other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

6. Dr. Harman understands that by signing this stipulation she voluntarily and knowingly waives the rights enumerated in paragraph 5 above, is aware of her right to seek legal representation, and does voluntarily and knowingly waive those rights.
7. Dr. Harman agrees to pay \$200 toward the costs of the investigation.
8. The parties to the Stipulation and the Case Advisor, James Chambers, M.D., may appear before the Board for the purpose of speaking in favor of this agreement and answering questions that the members of the Board may have in connection with their deliberation on the Stipulation. Any appearance by any party pursuant to this paragraph shall be preceded by proper and timely notice to all parties to this proceeding.
9. This Stipulation is subject to approval by the Case Advisor and by the Attorney Supervisor for the Division of Enforcement, and acceptance by the Wisconsin Medical Examining Board. If any term of this stipulation is not approved by the Case Advisor and by the Attorney Supervisor, and accepted by the 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 shall be returned to the Division of Enforcement for further proceedings. In the event that this stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

Jill Harman M.D.  
Jill Pamela Harman, M.D.

6/23/98  
Date

Claudia Berry Miran  
Claudia Berry Miran  
Attorney  
Division of Enforcement

7/15/98  
Date

