

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF  
THE INVESTIGATION OF

GORDON H. ROSENBROOK, M.D.,

Licensee

LS9808262MED

MEMORANDUM AND ORDER ON SETTLEMENT CONFERENCE

TO: Gordon H. Rosenbrook, M.D.  
Blue Diamond Family Practice Center  
1507 Vine Street  
Bloomer, WI 54724

Claudia Berry Miran  
Attorney at Law  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708

An informal settlement conference was conducted in the above-captioned matter before an informal settlement conference committee of the Medical Examining Board on July 22, 1998. The purpose of the conference was to provide interested parties with an opportunity to discuss allegations received pertaining to the practice of Dr. Rosenbrook as a physician, and to attempt to reach a fair and consensual resolution of the matter.

The committee consisted of Sidney E. Johnson, M.D. Dr. Rosenbrook appeared in person and without legal counsel. Others present included Wayne Austin, the board's legal counsel, and Claudia Berry Miran, attorney for the Department of Regulation & Licensing, Division of Enforcement.

The parties orally presented their respective positions regarding the matter to the committee, and the committee deliberated on a possible disposition of the matter. The committee thereafter presented a proposed Stipulation for Dr. Rosenbrook's consideration, a copy of which is attached hereto and made a part hereof. The Stipulation was ultimately executed by Dr. Rosenbrook, Ms. Miran, and Wanda Roevers, board Secretary.

Based upon the proceedings at the conference, and upon the Stipulation of the parties, the board enters the following order.

Rosenbrook Order

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ORDER

NOW, THEREFORE, IT IS ORDERED that the investigation in this matter shall be closed without further action. Dr. Rosenbrook shall, however, consistent with the Stipulation herein, complete not less than 28 hours of continuing education satisfactory to the board in the areas of natural history of coronary artery disease; evaluation of chest pain, including differential diagnosis of diseases causing chest pain; and diagnosis and treatment of coronary artery disease

Dated this 26<sup>th</sup> day of August, 1998.

STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

by Wanda Roever  
Wanda Roever  
Board Secretary

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF  
THE INVESTIGATION OF

GORDON H. ROSENBROOK, M.D.

Licensee

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STIPULATION

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Gordon H. Rosenbrook, M.D. (Dr. Rosenbrook), and the Medical Examining Board (board), having reached agreement on disposition of the informal complaint identified as 92 MED 471, agree and stipulate as follows:

1. This Stipulation shall be made a part of a Memorandum and Order on Settlement Conference to be issued by the board, and all terms of the Stipulation shall be binding on Dr. Rosenbrook as a part of the board's order.

2. This Stipulation and the board's order shall be placed in Dr. Rosenbrook's permanent file, and may be used if there are further complaints against him.

3. Dr. Rosenbrook is licensed to practice medicine and surgery in Wisconsin by license #18627, issued on December 7, 1973, and he practices at Blue Diamond Family Practice Center, 1507 Vine Street, Bloomer, WI 54724.

4. Patient WF, age 52, appeared at the Bloomer Community Hospital Emergency Room on October 25, 1987, with a three hour history of anterior and substernal chest pain, which he described as a sharp burning sensation. He had a history of duodenal ulcer and had been on H-2 inhibitors. He had also been taking ibuprofen 800 mg t.i.d. for arthritis and Zantac® 150mg. He had no history of cardiac disease. His pulse was 72 and regular, respirations were 16, and blood pressure was 140/85. Patient WF was admitted to the coronary care unit.

5. EKG's were performed on October 25, 26 and 27, 1987. The electrocardiographic reports each interpreted the result as, "P waves are normal. QRS's are normal. ST's are iso-electric and the T waves are normal. Impression: normal EKG."

6. A chest x-ray was performed on 10/25/87. The report states "Examination of the chest shows the heart about full sized. The pulmonary vascularity is accentuated, particularly in the parahilar regions suggesting early congestive changes. No focal consolidation is apparent. No previous films are available for comparison." The Conclusion states "There appear to be some early congestive changes. Clinical correlation and follow up exam are suggested."

7. After admission to the hospital on October 25, 1986, patient WF had one further episode of pain during the three day hospital stay, but was otherwise asymptomatic. The patient continued on H-2 inhibitors and Riopan®.

8. The patient was discharged on the morning of October 27, 1987. The discharge summary states as the final diagnosis "#1. Esophagitis. #2. Myocardial infarction ruled out." The patient was to continue on Zantac® b.i.d., Riopan® p.r.n., and to avoid the use of Motrin® or aspirin for the time being. He was to return to Dr. Rosenbrook in two weeks.

9. At 9:45 a.m. on October 30, 1987, patient WF presented at the emergency room with a seven hour history of chest pain. The Bloomer Hospital ER Record states, "Very tender over costochondral junctions 6-7 bilaterally." The diagnosis was "severe costochondritis." The patient was given Demerol® 50mg and Phenergan® for pain. After resting in the emergency room for 20 minutes following the shot, he felt considerably better, and he went home.

10. At 7:33 p.m. on October 30, the patient expired after suffering a cardiac arrest.

11. In resolution of this matter, it is agreed that within one year from the date of the board's order adopting the terms of this Stipulation, Dr. Rosenbrook shall complete not less than 28 hours of continuing education satisfactory to the board in the areas of natural history of coronary artery disease; evaluation of chest pain, including differential diagnosis of diseases causing chest pain; and diagnosis and treatment of coronary artery disease. It is further agreed that the investigation in this matter shall be closed without further action.

Dated this 13<sup>th</sup> day of August, 1998.

Gordon H. Rosenbrook, M.D.

Gordon H. Rosenbrook, M.D.

Dated this 27<sup>th</sup> day of August, 1998.

Claudia Berry Miran

Claudia Berry Miran, Esq.

Dated this 26<sup>th</sup> day of August, 1998.

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

by Wanda Roever  
Wanda Roever, Board Secretary

Wanda Roever

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

In the Matter of the Investigation of

Gordon H. Rosenbrook, M.D.,

AFFIDAVIT OF MAILING


Licensee.

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:

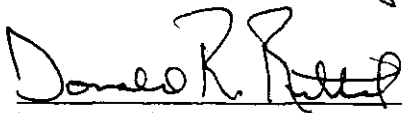
1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On August 27, 1998, I served the Memorandum and Order on Settlement Conference dated August 26, 1998, LS9808262MED, upon the Licensee Gordon H. Rosenbrook, M.D. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Licensee 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 Z 233 819 720.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Licensee's last-known address and is:

Gordon H. Rosenbrook, M.D.  
Blue Diamond Family Practice Center  
1507 Vine Street  
Bloomer WI 54724

  
\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 27<sup>th</sup> day of August, 1998.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.

## NOTICE OF RIGHTS OF APPEAL

TO: GORDON H ROSENBROOK MD

You have been issued an Order. For purposes of service the date of mailing of this Order is 8/27/98. 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 Order 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 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 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 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 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