

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD.

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
 : (94 MED 097)  
CLYDE C. LAWNICKI, M.D., :  
RESPONDENT. : LS980122MED

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

Clyde C. Lawnicki, M.D.  
Gundersen Clinic, Ltd.  
1836 South Ave.  
La Crosse, WI 54601

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 Clyde C. Lawnicki, M.D., personally, and by Steven J. Caulum, attorney for Dr. Lawnicki, 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. Clyde C. Lawnicki, M.D., Gundersen Clinic, Ltd., 1836 South Avenue, La Crosse, Wisconsin 54601, was born on 6/11/38, and has been licensed and currently registered to practice medicine and surgery in the state of Wisconsin since 10/30/69, licensee # 17000.
2. Dr. Lawnicki, specializes in the practice of urology with a substantial portion of his practice involving surgical pediatric urology.

3. On 9/17/91, the patient, date of birth 1/23/91, was admitted to Lutheran Hospital in La Crosse, Wisconsin, with a diagnosis of left distal ureteral stenosis with left hydronephrosis. On 9/17/91, Dr. Lawnicki performed a left distal ureteral resection, tapering and reimplantation.

4. In the post-operative period, Dr. Lawnicki ordered morphine sulfate, IV, every two hours prn for pain and 1/2 of an adult B&O Suppository every four hours prn for bladder spasms. The adult B&O Suppositories contained morphine. The morphine sulfate and the B&O Suppositories were administered in accordance with Dr. Lawnicki's orders as follows:

9/17/91 at 1320 -- 0.5 mgs. morphine sulfate, IV  
9/17/91 at 1505 -- 0.5 mgs. morphine sulfate, IV  
9/17/91 at 1700 -- 1/2 adult B&O Suppository  
9/17/91 at 1740 -- 0.5 mgs. morphine sulfate, IV  
9/17/91 at 2100 -- 1/2 adult B&O Suppository  
9/18/91 at 0105 -- 1/2 adult B&O Suppository  
9/18/91 at 0330 -- 1.0 mgs. morphine sulfate, IV  
9/18/91 at 0500 -- 1/2 adult B&O Suppository

5. The amount of morphine administered to the patient pursuant to Dr. Lawnicki's orders was excessive and created the unacceptable risk that the patient would experience a depressed respiratory function and ultimate cardiopulmonary arrest.

6. At approximately 0641 on 9/18/91, the patient was found by a nurse and a surgery resident in cardiopulmonary arrest.

7. The patient was discharged from the hospital on 10/15/91, with discharge diagnoses including static encephalopathy and seizures.

#### 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. Lawnicki's conduct as set forth in the Findings of Fact was conduct in violation of sec. 448.02(3), Stats., and Wis. Admin. Code sec. MED 10.02(2)(h).

4. The Wisconsin Medical Examining Board has the authority pursuant to sec. 440.22, Stats., to assess the cost of this proceeding against Dr. Lawnicki.

ORDER

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

IT IS FURTHER ORDERED that Clyde C. Lawnicki's license to practice medicine and surgery in the state of Wisconsin, licensee # 17000, is limited as follows:

1. Dr. Lawnicki will participate in and satisfactorily complete an educational program in pharmacology developed and administered by the University of Wisconsin School of Medicine, Continuing Education Program, under the supervision of Thomas C. Meyer, M.D. This educational program will consist of the following components:

a. Home-Study Course in Pharmacology.

The Home-study Course in Pharmacology will include a directed home-study program with periodic discussions and evaluations conducted by instructors designated by Dr. Meyer. The evaluations may be oral or written or both. The oral discussions and oral evaluations may be conducted by telephone conference calls. All written evaluations will be proctored and will be conducted in La Crosse, Wisconsin. Satisfactory completion of the Home-Study Course in Pharmacology will be determined from the results of the oral and written evaluations. The Home-Study Course in Pharmacology will be commenced within 30 days of the date of this Final Decision and Order and will be satisfactorily completed on or before 4/15/98.

b. Clinical Pediatric Pharmacology Fellowship

The Clinical Pediatric Pharmacology Fellowship will be conducted over a period of five consecutive days at the Mayo Clinic in Rochester, Minnesota, under the supervision of physicians designated by Dr. Meyer. The Clinical Pediatric Pharmacology Fellowship will commence after the Home-Study Course in Pharmacology has been satisfactorily completed, but will be concluded on or before 6/1/98.

2. At the conclusion of the Home-Study Course in Pharmacology and the Clinical Pediatric Pharmacology Fellowship, if they have been satisfactorily completed by Dr. Lawnicki, Dr. Meyer will provide certification of satisfactory completion of the educational program to the Medical Examining Board. The certification will be mailed or delivered to Michelle Neverman, Department Monitor, Department of Regulation and Licensing, Division of Enforcement, 1400 E. Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935, within 14 days of satisfactory completion of the educational program.

3. Dr. Lawnicki will pay the cost of the educational program as follows:
  - a. Administrative Cost -- \$500.00
  - b. Home-study Course in Pharmacology -- \$595.00
  - c. Clinical Pediatric Pharmacology Fellowship -- \$900.00

The administrative cost and the fee for the Home-study Course in Pharmacology will be paid in full to the University of Wisconsin prior to the commencement of the educational program. The fee for the Clinical Pediatric Pharmacology Fellowship will be paid in full to the University of Wisconsin prior to commencement of the fellowship program.

4. Dr. Lawnicki's practice will be monitored for a period of one year commencing on the date that Dr. Meyer provides certification to the Medical Examining Board that Dr. Lawnicki has satisfactorily completed the educational program. The Medical Examining Board will select a physician to perform the monitoring of Dr. Lawnicki's practice. The monitoring will be accomplished by reviews of Dr. Lawnicki's patient records. The reviews will focus on Dr. Lawnicki's pharmacology practices. The reviews will be conducted every three months with the first review performed three months after the date on which Dr. Meyer provides certification to the Medical Examining Board that Dr. Lawnicki has satisfactorily completed the educational program. Dr. Lawnicki will maintain a list of all pediatric patients (18 years of age and younger) treated by him in the three months preceding each review and brief descriptions of the presenting medical problems and the courses of treatment for each patient. The physician identified to review Dr. Lawnicki's practice will select the patient records for review from this list. The review will include a discussion between the reviewing physician and Dr. Lawnicki of the treatments provided by Dr. Lawnicki in each of the cases reviewed. The reviewing physician will file a report with the Medical Examining Board following each review describing the results of the review. These reports will be mailed or delivered to Michelle Neverman, Department Monitor, Department of Regulation And Licensing, Division of Enforcement, 1400 E. Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935 within 14 days of the date on which the review was conducted.

5. Dr. Lawnicki will pay the full cost of the monitoring program including the reasonable professional fees and expenses of the physician identified to review Dr. Lawnicki's records. Dr. Lawnicki will make payment in full within 30 days of the date on which the physician performing the reviews submits a statement for professional services and expenses.

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

IT IS FURTHER ORDERED that Clyde C. Lawnicki, M.D., will pay the cost of this disciplinary proceeding in the amount of \$350.00 to the Department of Regulation and Licensing, 1400 E. Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935, within 30 days of the date 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. Lawnicki 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. Lawnicki to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

Dated at Madison, Wisconsin, this 22 day of January, 1998.

WISCONSIN MEDICAL EXAMINING BOARD

*Karla Loeber*  
Member, Wisconsin Medical Examining Board

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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
CLYDE C. LAWNICKI, M.D.,	:	(94 MED 097)
RESPONDENT.	:	

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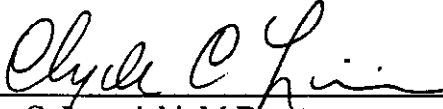
It is hereby stipulated between Clyde C. Lawnicki, M.D., personally, and by his attorney, Steven J. Caulum, and Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Clyde C. Lawnicki, M.D., Gundersen Clinic, Ltd., 1836 South Avenue, La Crosse, Wisconsin 54601, was born on 6/11/38 and has been licensed and currently registered to practice medicine and surgery in the state of Wisconsin since 10/30/69, license # 17000.
2. An investigation, 94 MED 097, is pending before the Wisconsin Medical Examining Board.
3. Dr. Lawnicki 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. Dr. Lawnicki agrees to pay \$350.00 in costs to the Department of Regulation and Licensing, 1400 E. Washington Ave., P.O. Box 8935, Madison, WI 53708-8935, within 30 days of the date of the Final Decision and Order in this matter.
5. Dr. Lawnicki understands that by signing this Stipulation, he freely, voluntarily and knowingly waives his rights, including 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, Rodolfo Molina, M.D., may appear before the Wisconsin Medical Examining Board in support of this Stipulation. Any appearance by any party pursuant to this paragraph shall be preceded by proper and timely notice to all parties to this proceeding.


7. This Stipulation is subject to approval by the Case Advisor, Rodolfo Molina, 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.

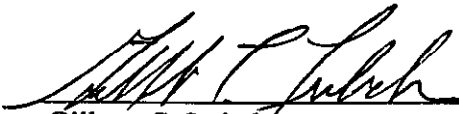
Dated: 1/14/98

  
Clyde C. Lawnicki, M.D.

Dated: 1/20/98

  
Steven J. Caulum  
Attorney for Dr. Lawnicki

Dated: 1/13/98

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



# Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416 hearing or speech  
TRS# 1-800-947-3529 impaired only

## GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On January 22, 1998, the Medical Examining Board  
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a  
forfeiture.

The amount of the costs assessed is: \$350.00 Case #: LS9801222MED

The amount of the forfeiture is: \_\_\_\_\_ Case # \_\_\_\_\_

Please submit a check or a money order in the amount of \$ 350.00

The costs and/or forfeitures are due: February 21, 1998

NAME: Clyde C. Lawnicki, M.D. LICENSE NUMBER: 17000

STREET ADDRESS: 1836 South Avenue

CITY: La Crosse STATE: WI ZIP CODE: 54601

Check whether the payment is for costs or for a forfeiture or both:

COSTS  FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL  ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING**  
**1400 E. WASHINGTON AVE., ROOM 141**  
**P.O. BOX 8935**  
**MADISON, WI 53708-8935**

**For Receipting Use Only**

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

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## NOTICE OF RIGHTS OF APPEAL

TO: STEVEN J CAULUM ATTY

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 1/27/98 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 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