

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/wscca>.
- 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

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST:

EDWARD A. VIVIAN, M.D.,
RESPONDENT.

FINAL DECISION AND ORDER

LS9901205MED

Division of Enforcement

98 MED 086

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

Edward A. Vivian, M.D.
6 Deercreek Court
Mason City, Ia 50401

Wisconsin Medical Examining Board
1400 E. Washington Ave.
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 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 Edward A. Vivian, M.D., personally, and by his attorney, Suzanne E. Williams; 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. Edward A. Vivian, M.D., 6 Deercreek Court, Mason City, Iowa, 50401 was born on 9/21/53 and has been licensed and currently registered to practice medicine and surgery in the state of Wisconsin since 12/17/87, license # 29035.
2. Dr. Vivian specializes in the practice of anesthesiology.
3. On 12/6/91, Dr. Vivian was responsible for administering Brevibloc to a patient in preparation for electroconvulsive therapy. He removed an ampul of Brevibloc from a labeled drawer on the pharmacy cart. He recognized that the Brevibloc was in an ampul rather than in a vial which in past procedures he had customarily used. Dr. Vivian examined the label on the ampul but misread the concentration of the drug and, as a consequence, miscalculated the concentration to be administered to the patient. Dr. Vivian administered an excessive concentration of the Brevibloc to the patient. The patient experienced a cardiovascular collapse. The patient was resuscitated but suffered some residual brain damage.

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. Vivian's conduct in administering an excessive dose of Brevibloc to the patient in preparation for electroconvulsive therapy 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 Edward A. Vivian, M.D., is REPRIMANDED.

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 Rights Of Appeal".

Dated at Madison, Wisconsin, this ____20____ day of ____January_____, 1999.

WISCONSIN MEDICAL EXAMINING BOARD

Ronald Grossman M.D.

Member, Wisconsin Medical Examining Board

