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State Of Wisconsin

Before The Medical Examining Board

In The Matter Of Disciplinary Proceedings Against

Indira Mammen, .

FINAL DECISION AND ORDER

Respondent.

Case #LS0001192MED

Division of Enforcement Case # 99MED 6

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

*Indira Mammen,
339 West Seacroft Court
Mequon, WI 53092*

*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 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 Indira Mammen, personally and by attorney, Mary K. Wolverton, 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. Indira Mammen, M.D., was born August 30, 1942. Dr. Mammen's latest address on file with the Department of Regulation and Licensing is 339 West Seacroft Court, WI 53092.
1. Dr. Mammen is licensed to practice in the state of Wisconsin as a physician and surgeon pursuant to license #21773. This license was first granted on July 14, 1978. Dr. Mammen is in obstetrics.
2. Early in the morning of August 3, 1998, patient EJ was admitted to St. Joseph's Hospital, Milwaukee, after her amniotic membranes ruptured. She was not having contractions when admitted. EJ was examined by the resident on call, and Dr. Mammen was notified of EJ's admission.
3. Approximately five hours after EJ's admission, Dr. Mammen was given a telephone report that EJ had not started labor. Dr. Mammen ordered that labor be induced according to the usual protocol.
4. Over the next several hours, EJ made slow progress through labor. At 2:30 p.m. on August 3, she showed 50% effacement and dilation at 3 cm, with mild contractions. At 4:00 p.m., the nursing staff noted EJ's reports that contractions had intensified from mild to moderate; about 4:45 p.m., an epidural anesthetic was administered. One hour after administration of the epidural, dilation was unchanged and the baby's head was at station -3.
5. Twenty-four hours after EJ was admitted, she was still in labor. Labor notes show she was 80 to 90%

effaced at 3:15 a.m. on August 4, with dilation at 5 to 6 cm. and the fetus at station -1.

6. By 5:00 a.m., effacement had progressed to 100% and the station was at 0, but the cervix had not dilated beyond 6 cm.
7. At 5:45 a.m., Dr. Pieper, the resident present, examined EJ and found that the cervix had dilated to 9 cm. and the station had progressed to +1. EJ was complaining of increased rectal pressure. Dr. Mammen was notified of EJ's status.
8. Fifteen minutes later, the nurse attending EJ did a vaginal examination and noted that an anterior lip had developed, but other measurements were unchanged. She told EJ not to give in to the urge to push, since Dr. Mammen would not arrive to deliver the baby for a while yet. Half an hour later, when the nurse performed another vaginal examination because EJ continued to complain of intense rectal pressure, the anterior lip persisted and the station was unchanged.
9. Dr. Mammen arrived at the hospital at 6:45 a.m. on August 4. She found, upon performing a vaginal examination, that EJ was fully dilated and the baby's head was a station +2.
10. Lynn Pagac, R.N., labor and delivery nurse, noted at 6:47 that EJ's legs were up in stirrups, coaching was required for effective pushing, and the neonatal team, the resident and the anesthesiologist were also in the delivery room. Ms. Pagac later testified that she did not consider anything in labor to this point as unusual, and that EJ was reacting as would most women at the same stage of labor and delivery.
11. According to labor and delivery notes, EJ was pushing with coaching at 6:52, and Dr. Mammen was applying a vacuum extractor to assist in the delivery. A baby boy weighing seven pounds, five ounces, was delivered at 6:58.
12. The baby was admitted to the observation nursery at 7:45. He was transferred to NICU later that morning and remained in unstable critical condition until death six days later. The final autopsy report listed extensive subgaleal hemorrhage first among the causes of death.
13. Subgaleal hemorrhage is a recognized risk in the use of a vacuum extractor to assist in delivery.
14. On February 17, 1999, St. Joseph's Hospital restricted Dr. Mammen's privileges to require that she obtain obstetrical consultation for all vacuum extraction deliveries in the hospital's obstetrics department.

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 authority to enter into this stipulated resolution without an evidentiary hearing pursuant to § 227.44 (5), Stats.
3. Dr. Mammen's decision to use a vacuum extractor to assist in the delivery of EJ's baby was not warranted without a longer trial to determine the effectiveness of EJ's pushing.
4. 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 the license and registration of Dr. Indira Mammen to practice as a physician and surgeon in Wisconsin is LIMITED, as provided in § 448.02 (3), Stats., as follows:

1. Dr. Mammen shall obtain an obstetrical consultation prior to using or attempting to use a vacuum extractor in the delivery of an infant.
2. Dr. Mammen shall pay \$400.00 toward the cost of investigation and prosecution of this action, within thirty (30) days of the date of this Order.
3. The pending investigation, 99 MED 6, shall be, and hereby is, closed without further proceedings.
3. Pursuant to § 448.02 (4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Dr. Mammen has violated the terms of this Final Decision and Order, the Board may order that the license of Dr. Mammen to practice medicine and surgery in the State of Wisconsin be summarily suspended pending investigation of the alleged violation.

4. At any time after St. Joseph's Hospital removes the restriction placed on Dr. Mammen's practice at the hospital, Dr. Mammen may petition the board to remove the limitation on her license and registration. Denial in whole or part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of §§ 227.01(3) and 227.42, Stats.

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:

Ronald Grossman, M.D.,

Secretary

January 19, 2000

Date