

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**State Of Wisconsin**

**Before The Medical Examining Board**

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In The Matter Of Disciplinary Proceedings Against

BENJAMIN W. BEGLEY,

Respondent

FINAL DECISION AND ORDER

LS0011162MED

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Division of Enforcement Case # MED 381

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

Benjamin W. Begley, .

Oshkosh Orthopaedics

3475 Omro Road, Suite 400

Oshkosh, WI 54904

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 Benjamin W. Begley, , personally on own behalf, 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. Benjamin W. Begley, , was born September 23, 1960. Dr. Begley's latest address on file with the Department of Regulation and Licensing is 3475 Omro Road, Suite 400, Oshkosh, WI 54904.
1. Dr. Begley is licensed to practice in the state of Wisconsin as a physician and surgeon pursuant to license #29405. This license was first granted on July 1, 1988. Dr. Begley's specialty is in Orthopaedics.
2. On June 8, 1993 Patient H.A., a 58 year-old with degenerative arthritis of the left knee, underwent a left knee tibial valgus osteotomy with internal fixation. During this procedure Dr. Begley lacerated the patient's popliteal artery.
3. On the second postoperative day a diagnosis of a partial foot drop was made. It was noted that there was 2+ swelling and circumferential ecchymosis with no active drainage and no erythema to the knee wound.
4. On the third postoperative day the patient was requiring parenteral analgesics. There was 2+ swelling in the region of the ankle with a small blister in the anterior ankle. Patient was ordered strict bedrest with close

neurovascular monitoring.

5. On June 12 the patient complained of knee pain but little foot pain. A diagnosis of vascular embarrassment of the left lower extremity was made. An angiogram showed a large arteriovenous fistula of the left popliteal artery just below the knee joint with essentially no distal arterial flow. Patient was taken to the operating room emergently for attempted revascularization of the left lower extremity. Arterial flow could not be restored to the left lower extremity.
6. On June 13 the left foot was noted to be cyanotic and mottled, was pulseless and blisters were present. The popliteal pulse could be dopplered. Light touch sensation was present in the upper 1/3 of the posterior calf, otherwise was negative below the level of the knee.
7. On June 15 a left below knee amputation was performed.

### **CONCLUSIONS OF LAW**

1. The Medical Examining Board has jurisdiction in this matter pursuant to § 448.02 (3) (c), Stats.
1. The Medical Examining Board has authority to enter into this stipulated resolution without an evidentiary hearing pursuant to § 227.44 (5), Stats.
2. Laceration of the popliteal artery and failing to diagnose until the fourth postoperative day 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. Begley is hereby REPRIMANDED.
2. Dr. Begley shall, within nine (9) months of the date of this order, submit documentation acceptable to the Board showing successful completion of 16 hours of category I continuing medical education in diagnosis and treatment of vascular injuries.
3. Dr. Begley shall obtain pre-approval of one or more courses from the Board or its designated agent before takes the course(s) in fulfillment of this requirement.
2. 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

The pending investigation, 98 MED 381, shall be, and hereby is, closed without further proceedings.

5. Pursuant to § 448.02 (4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Dr. Begley has violated the terms of this Final Decision and Order, the Board may order that the license of Dr. Begley 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: Darold Treffert, M.D.,

11-15-00

Secretary

Date