

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:

KENNETH C. OLSON, M.D.,
RESPONDENT

FINAL DECISION AND ORDER
LS0103234MED

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

Kenneth C. Olson, M.D.
2 Stagecoach Drive
Bozeman, MT 59715

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Wisconsin Medical Examining Board. The Board has reviewed this Stipulation and found it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Kenneth C. Olson, M.D., Respondent, date of birth September 3, 1951, is licensed, but not currently registered, by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin, pursuant to license number 27481, which was first granted April 25, 1986.
2. Respondent's last address reported to the Department of Regulation and Licensing is 1531 S. Madison Street #530, Appleton, WI 54915. However, the Division of Enforcement has received information from the Montana Board of Medical Examiners that Respondent's current address is 2 Stagecoach Drive, Bozeman, MT 59715.
3. Respondent did not renew the registration of his license to practice medicine and surgery in the state of Wisconsin when the registration expired on November 1, 1993 and has not renewed it to this time.
4. Because Respondent allowed his license to practice medicine and surgery in Wisconsin to lapse on November 1, 1993, Respondent has been prohibited by statute from practicing medicine and surgery in Wisconsin since that date and has not practiced in Wisconsin during that time. Respondent has been practicing medicine and surgery in the state of Montana during this time.
5. Wis. Adm. Code § MED 14.06 (2) provides that failure to renew a license causes the license to lapse. It also provides that a licensee who allows the license to lapse may apply to the board for reinstatement of the license,

and:

"(b) If the licensee applies for renewal of the license more than 5 years after its expiration, the board shall make such inquiry as it finds necessary to determine whether the applicant is competent to practice under the license in this state, and shall impose any reasonable conditions on reinstatement of the license, including oral examination, as the board deems appropriate. All applicants under this paragraph shall be required to pass the open book examination on statutes and rules, which is the same examination given to initial applicants.

6. Respondent had moved from Wisconsin and his license had lapsed more than three and one half years before the first of these investigative files was opened by the Medical Examining Board. At present, it has been more than seven years since Respondent has been licensed or practiced medicine in Wisconsin. For these reasons, the underlying allegations which were the bases for the following legal actions have not been fully investigated.

7. Respondent specializes in the area of psychiatry and the following allegations relate to his previous practice of psychiatry in Appleton, Wisconsin.

97 MED 137

8. On January 8, 1993, Ms. A filed a civil action against Respondent in Outagamie County Wisconsin Circuit Court case number 93-CV-30. The action alleged that Respondent was negligent in his treatment of Ms. A and that as a result of that negligence, Ms. A suffered emotional and psychological injury.

9. The trial of the action was bifurcated (divided into two parts). On July 18, 1995, a twelve person jury decided that Respondent was negligent in his treatment of Ms. A and his negligence was a cause of Ms. A's injuries. The jury decided that Ms. A's total damages were \$204,000 and apportioned 65% of the negligence to Respondent and 35% to Ms. A.

97 MED 191

10. On February 14, 1994, Ms. B filed a civil action against Respondent in Waupaca County Wisconsin Circuit Court case number 94-CV-60. The action alleged that Respondent was negligent in his treatment of Ms. B and that as a result of that negligence, Ms. B suffered emotional and psychological injury.

11. The parties reached agreement in that matter and on March 9, 1996, the action was dismissed prior to trial and Ms. B received \$50,000. The Board has made no determination whether Respondent was negligent in the treatment of Ms. B or whether Respondent's treatment of Ms. B fell below the minimal standards of the profession.

97 MED 034

12. On July 22, 1994, Ms. C filed a civil action against Respondent in Outagamie County Wisconsin Circuit Court case number 94-CV-707. The action alleged that Respondent was negligent in his treatment of Ms. C, as an outpatient and inpatient between late 1986 and August 1992, and that as a result of that negligence, Ms. B suffered harm.

13. The trial in that case began in February 1997. After several days of testimony, the parties agreed to settle the matter during the trial, with payment to Ms. C of \$2,400,000.

14. In 1997, Ms. D filed a civil action against Respondent in Outagamie County Wisconsin Circuit Court case number 97 CV 0978. The action alleged that Respondent was negligent in his treatment of Ms. D and that as a result of that negligence, Ms. D suffered harm.

15. The parties recently reached agreement in that matter. The action was dismissed prior to trial and Ms. D received \$50,000. The Board has made no determination whether Respondent was negligent in the treatment of Ms. D or whether Respondent's treatment of Ms. D fell below the minimal standards of the profession.

16. In 1997, Ms. E filed a civil action against Respondent in Outagamie County Wisconsin Circuit Court case number 97 CV 0680. The action alleges Respondent's negligence in treating her caused Ms. E to suffer pain, suffering and disability.

17. Ms. E's action remains pending. The Board has made no determination whether Respondent was negligent in the treatment of Ms. E or whether Respondent's treatment of Ms. E fell below the minimal standards of the profession.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to § 448.02(3), Stats.

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter

pursuant to §§ 227.44(5) and 448.02(5), Stats.

3. By having been negligent in the treatment of Ms. A, Respondent is subject to discipline pursuant to § 448.02(3)(c), Stats.

4. Respondent's treatment of Ms. C was contrary to Wis. Adm. Code § MED 10.02(2), which subjects Respondent to discipline pursuant to § 448.02(3)(c), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that if Respondent seeks to renew the registration of his license to practice medicine and surgery in the state of Wisconsin, Respondent shall petition the Board to renew the registration under the following terms and conditions:

1. Respondent shall notify the Division of Enforcement (Division) of the petition and the Division shall have the opportunity to apprise the Board of all information regarding the allegations contained in the investigative files.

2. As required by Wis. Adm. Code § MED 14.06 (2)(b), Respondent shall provide proof sufficient to the Board that:

a. He is competent to practice under the license in this state.

b. He has passed the open book examination on statutes and rules, which is given to initial applicants.

3. Following the presentation of information by the Division and review of the information provided by Respondent, the Board may, in its sole discretion, elect to renew the registration of Respondent's license, with any reasonable conditions on reinstatement, or to deny Respondent's petition.

4. If Respondent believes that any denial of renewal of registration of licensure or that any limitation imposed by the Board is inappropriate, Respondent may seek a class 1 hearing pursuant to § 227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The denial of renewal of registration of licensure or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin this 22nd day of March, 2001.

Sidney E. Johnson, M.D.

Secretary

Wisconsin Medical Examining Board