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State Of Wisconsin
Before The Medical Examining Board

In The Matter Of Disciplinary Proceedings Against

EDWIN K. COLE, M.D.,	FINAL DECISION AND ORDER
Respondent	LS0105163MED

Division of Enforcement Case # MED

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

Edwin K. Cole, M.D.
101 North Gibson Street
Medford, WI 54451

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 Edwin K. Cole, M.D., personally on his 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. Edwin K. Cole, M.D., was born January 11, 1964. Dr. Coles’s latest address on file with the Department of Regulation and Licensing is 101 North Gibson Street, WI 54451.
2. Dr. Cole is licensed to practice in the state of Wisconsin as a physician and surgeon pursuant to license #36203. This license was first granted on December 16, 1994. Dr. Cole practices general surgery.
3. On October 3, 1997, Dr. Cole performed a vasectomy on a 28-year-old patient. During the procedure he caused an inadvertent ligation of the testicular artery, and that led to the loss of the left testicle.

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. Failure to distinguish between an artery and the vas deferens while performing a vasectomy 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. The license of Dr. Edwin K. Cole is hereby LIMITED to provide that he may not perform vasectomies.
2. Dr. Cole shall pay partial costs of \$400 in this matter.
3. The pending investigation, 99 MED 271, shall be, and hereby is, closed without further proceedings.
4. If Dr. Cole desires to have the Board remove the limitation from his license, he may obtain pre-approval from the Board or its designated agent of one or more courses which total 10 hours of category I continuing medical education in performing vasectomies.
5. 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

6. Once Dr. Cole has completed the continuing education that paragraph 4 references, he may petition the Board in writing for removal of the limitation on his license, submitting with the petition documentation acceptable to the Board showing successful completion of the continuing education described in paragraph 4.

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

5-16-01

Secretary

Date