

# 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 THE DISCIPLINARY  
PROCEEDINGS AGAINST:

JOHN BONCYK, M.D.,	FINAL DECISION AND ORDER
RESPONDENT	LS0204241MED

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

John Boncyk, M.D.

B6/319 CSC

600 Highland Ave.

Madison, WI 53792

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 entered into between John Boncyk, M.D., his attorney, Ralph V. Topinka, and 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. John Boncyk, M.D., B6/319 CSC, 600 Highland Ave., Madison, Wisconsin, 53792, was born on 11/18/1952 and has been licensed and currently registered to practice medicine and surgery in the State of Wisconsin since 10/17/1980, license #23396.
2. Dr. Boncyk is an anesthesiologist
3. On 8/4/2000, a 72 year-old female patient was admitted for right rotator cuff repair surgery. Patient had a history of smoking for 45 years, coronary artery disease, pulmonary hypertension, systemic hypertension, hypercholesterolemia, adult onset diabetes mellitus, and being obese. Respondent was the anesthesiologist during the surgery.

4. Respondent used an interscalene block for analgesia to provide good analgesia with minimal sedation post-operatively with a general anesthetic for intraoperative anesthesia because of the patient's significant health conditions.

5. Respondent conducted a pre-operative anesthesia assessment that showed the patient's baseline oxygen saturation level varied from 83 percent to the upper 80's. When the patient was placed in a supine position her oxygen saturation level was stable at 83 percent.

6. Respondent explained to the patient that her oxygen saturation level was lower than normal, explained the risks of surgery under these conditions, and explained that she would be at high risk for post-operative respiratory problems. Respondent asked the patient if she was experiencing any shortness of breath. The patient stated that her breathing was not unusual and elected to continue the surgery.

7. The surgery was completed without complications. Initially, the patient was stable in recovery, was extubated, and successfully breathed on her own with an oxygen saturation level in the 90's. However, about an hour later, the patient went into respiratory distress. The patient had to be reintubated and successfully recovered.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 448.02.

2. The Wisconsin Medical Examining Board has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to Wis. Stats. sec. 227.44(5).

#### ORDER

NOW IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that John Boncyk, MD will participate in and satisfactorily complete the 24.5 hour educational program entitled "Pulmonary and Critical Care Medicine" to be held April 28, 2002 through May 1, 2002 at the Royal Sonesta Hotel in Cambridge, Massachusetts.

IT IS FURTHER ORDERED that within 60 days after the course is concluded, Dr. Boncyk will file with the Wisconsin Medical Examining Board certifications from the sponsoring organization of his attendance at the required course and his personal written affidavit that he has attended the course in its entirety.

Any continuing medical education credits obtained in satisfaction of this Order shall not be applied towards satisfaction of the continuing medical education requirements imposed by Wis. Stats. sec. 448.13(1).

IT IS FURTHER ORDERED that requests for course approvals, certifications, affidavits or other documents required to be filed with the Wisconsin Medical Examining Board or its designee be filed with:

Department Monitor

Department of Regulation and Licensing

Division of Enforcement

P.O. Box 8935

1400 E. Washington Ave.

Madison, WI 53708-8935

All certifications, affidavits or other documents required to be filed with the Wisconsin Medical Examining Board or its designee will be deemed to be filed with the Wisconsin Medical Examining Board or its designee upon receipt by the Department Monitor.

IT IS FURTHER ORDERED that Dr. Boncyk will appear before the Wisconsin Medical Examining Board, if an appearance is requested by the Board, at the conclusion of the education program to establish that he has complied with all of the terms of this Final Decision and Order.

IT IS FURTHER ORDERED that pursuant to sec. 448.02(4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Dr. Boncyk has violated the terms of this Final Decision and Order of the Wisconsin Medical Examining Board, the Board may order that the license of Dr. Boncyk 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".

Dated at Madison, Wisconsin, this 24<sup>th</sup> day of April, 2002.

STATE OF WISCONSIN

MEDICAL EXAMINING BOARD

Virginia Heinemann

Secretary