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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :

PROCEEDINGS AGAINST :

: FINAL DECISION AND ORDER

STEWART F. TAYLOR, JR., M.D., : LS0210151MED

RESPONDENT. :

The parties to this proceeding for purposes of s. 227.53, Stats., are:

Stewart Taylor, MD
108 East Cook Street
P.O. Box 320
Portage WI 53901

Medical Examining Board
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

The parties having agreed to the attached stipulation, the Medical Examining Board makes the following:

Findings of Fact

1. Respondent is Stewart F. Taylor. Jr., M.D. (born February 18, 1948), P.O. Box 320, Portage, Wisconsin 53901. Respondent is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #23326, first granted on July 14, 1980.
2. Respondent is an orthopedic surgeon.
3. On January 25, 1997, patient LC fell against a wall while using her walker at Wyocena Nursing Home. She was taken to Divine Savior Emergency Room that same morning, where an x-ray showed an acute, slightly impacted subcapital fracture of the left femur.

4. Respondent reviewed the x-rays, and recommended a percutaneous pin fixation of the fracture of the left femur. He explained the options to the patient's guardian, and obtained consent for a percutaneous pin fixation.

5. On January 26, 1997, Respondent operated on patient LC. The x-rays of the fractured hip were not available in the operating room. When Respondent arrived in the operating room, patient LC was positioned and draped for a procedure on the right hip. Respondent inquired as to which hip was to be pinned, and was informed that it was the right hip. Respondent performed a fluoroscopy of the right hip which was inconclusive for fracture of the right hip. Respondent thought that the fluoroscopy was inconclusive because a fluoroscopy gives less resolution than an x-ray film in viewing fractures and Respondent decided to proceed with the procedure. He then placed three pins into the femoral neck of the right hip.

6. The patient's right hip did not have a fracture. The left hip was the hip that had the fracture.

7. Respondent and the hospitals at which Respondent practices have implemented precautions at Respondent's suggestion to foreclose recurrences of such circumstances.

Conclusions of Law

1. The Medical Examining Board has jurisdiction in this matter pursuant to s. 448.03, Stats.

2. Respondent's conduct in performing the percutaneous pinning procedure on an uninjured hip constitutes negligence in treatment and is subject to discipline pursuant to Wis. Stats. sec. 448.02(3)(b).

Order

Now, therefore, Stewart Taylor, M.D. is reprimanded.

It is further ordered that Dr. Taylor shall pay the costs of this matter in the amount of \$3750.00 within 60 days of the date of this Order.

Dated this 23rd day of July, 2003.

Wisconsin Medical Examining Board

Alfred Franger

A Member of the Board