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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

| | | |
|-------------------------------|---|--------------------------|
| IN THE MATTER OF DISCIPLINARY | : | |
| PROCEEDINGS AGAINST | : | |
| | : | FINAL DECISION AND ORDER |
| MARK C. BOETTCHER, M.D., | : | LS0307291MED |
| RESPONDENT. | : | |

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

Mark C. Boettcher, M.D.
P.O. Box 551
Janesville, WI 53547

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Medical Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Mark C. Boettcher, M.D., (DOB 08/03/65) is duly licensed as a physician and surgeon in the state of Wisconsin, license #33859. This license was first granted on 11/19/92.
2. Dr. Boettcher’s most recent address on file with the Wisconsin Medical Examining Board is P.O. Box 551, Janesville, Wisconsin 53547.
3. At all times relevant to this action, Dr. Boettcher was working as a physician and surgeon in Janesville, Wisconsin practicing in the specialty of pediatrics.
4. MRL, the patient herein, was born on 7/26/01. Dr. Boettcher was MRL’s regular pediatrician.
5. On 3/9/02, the patient presented to Dr. Boettcher at his office with symptoms of an upper respiratory infection. Dr. Boettcher ascertained from the patient’s history that MRL’s sibling had been experiencing gastrointestinal symptoms including diarrhea. Dr. Boettcher’s examination of the patient resulted in a diagnosis of right otitis media for which

he prescribed Augmentin 200 mg orally twice daily for 10 days.

6. The patient, when she received her initial dose of Augmentin on 3/9/02, vomited and continued to vomit thereafter with every attempt to administer the Augmentin and with every attempt to provide oral intake. On 3/10/02, Dr. Boettcher prescribed Phenergan suppositories to address the vomiting but the vomiting did not resolve. On 3/10/02, the patient also developed diarrhea.

7. At 3:09 p.m. on 3/10/02, the patient's parents took her to the emergency room. The emergency room physician examined the patient and noted that she was afebrile and that her abdomen was soft, nontender and nondistended. The emergency room physician diagnosed right otitis media and dehydration and recommended admission of the patient to the hospital for treatment of the dehydration. The patient was admitted under the care of Dr. Boettcher.

8. Dr. Boettcher examined the patient on the evening of her admission to the hospital. He noted that the patient appeared tired and listless and appeared to be moderately ill. He noted that the patient had a history of vomiting and loose stools. His examination disclosed that the patient's abdomen was benign and her genitourinary system was unremarkable. The laboratory data indicated the presence of urate crystals consistent with dehydration. Dr. Boettcher initiated intravenous hydration to treat the dehydration and intravenous antibiotics to treat the otitis media.

9. At approximately 9:00 a.m. on 3/11/02, Dr. Boettcher evaluated the patient in her hospital room. He noted that the patient had recurrent vomiting and loose stools and that the patient had blood in her diaper. He palpated the patient's abdomen and noted that the abdomen was mildly tender and had a possible central abdominal mass that presented as a centralized diffuse fullness. At the time, he recorded in the medical record his impression that it was most likely gas distended bowel and ileus. Dr. Boettcher's list of potential diagnoses at that time included gastrointestinal infection and bowel obstruction. Dr. Boettcher ordered laboratory tests including a stool culture. He also ordered flat and upright plates of the abdomen to assess the patient for a bowel obstruction. He did not order a barium or an air contrast enema. The flat and upright plates of the abdomen were obtained at 2:22 p.m. on 3/11/02 and were read as negative.

10. Dr. Boettcher, on the afternoon of 3/11/02, followed up on the laboratory studies he had ordered earlier and added a second antibiotic to his treatment regimen to address a possible urinary tract infection.

11. In the late afternoon of 3/11/02, Dr. Boettcher became ill and transferred the care of the patient to Dr. Meyer. Dr. Meyer examined the patient at approximately 8:30 p.m. on 3/11/02. His examination of the patient's abdomen disclosed a moderately tender abdomen with a boggy mid-abdominal mass. He also observed currant jelly-like stool in the patient's diaper. Dr. Meyer made a diagnosis of probable intussusception and transferred the patient to St. Mary's Hospital in Madison, Wisconsin.

12. The physicians at St. Mary's Hospital did not palpate an abdominal mass but performed a barium enema which confirmed the diagnosis of intussusception. The barium enema did not result in a reduction of the intussusception. The patient required abdominal surgery to reduce the intussusception. At the time of surgery, the patient's bowel appeared to be viable so the surgeon elected to close without resecting any portion of the bowel. Over the following days, the patient developed necrotic bowel that required resection on 3/15/02. On 3/20/02, the patient experienced a sudden cardiac event and could not be resuscitated.

13. The stool culture ordered by Dr. Boettcher on 3/11/02 was reported as positive for Salmonella after the patient was in treatment at St. Mary's Hospital in Madison.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.02, and is authorized to enter into the attached Stipulation and Final Decision and Order, pursuant to Wis. Stat. § 227.44(5).

2. The Wisconsin Medical Examining Board has the authority pursuant to Wis. Stat. § 440.22 to assess the costs of this proceeding against Mark C. Boettcher, M.D.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Mark C. Boettcher, M.D. shall take and satisfactorily complete 24 credit hours of continuing medical education courses in pediatrics, a significant portion of which includes the diagnosis and treatment of gastrointestinal conditions and infectious diseases in children. The courses attended in satisfaction of this Order shall be courses that require the physical presence of the attendees at the location where the course is being conducted. Courses conducted via the internet or by other electronic means of communication or courses conducted by correspondence or through a home study program shall not satisfy the requirements of this Order. All courses taken in satisfaction of this Order shall be pre-approved by the Wisconsin Medical Examining Board or by the Board's designee. This 24 credit hour educational requirement shall be completed within one year of the date of this Final Decision and Order.

2. Mark C. Boettcher, M.D. is responsible for the full costs of the registration and attendance at the courses taken in satisfaction of this Order.

3. Mark C. Boettcher, M.D. shall within 60 days of completing the 24 credit hours of courses attended in satisfaction of this Order submit an affidavit to the Wisconsin Medical Examining Board identifying the courses he attended, the dates of attendance, the locations at which the courses were conducted and the credit hours earned at each course and verifying that he has attended and satisfactorily completed each of these courses in its entirety. Mark C. Boettcher, M.D. shall also append to his affidavit and file with the Wisconsin Medical Examining Board certifications of his attendance from the sponsoring organizations for each of the courses he has attended in satisfaction of this Order. The affidavit and certifications shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

4. Mark C. Boettcher, M.D. shall not apply any of the credits earned in compliance with the terms of this Order toward satisfaction of his Wis. Stat. § 448.13 biennial training requirements.

IT IS FURTHER ORDERED that:

5. The formal Complaint shall be and hereby is dismissed without disciplinary action.

6. The parties to this proceeding have determined an equitable allocation of the costs of this proceeding. As the full and final distribution of the costs of this proceeding, Mark C. Boettcher, M.D. shall, within sixty (60) days from the date of this Order, pay costs of this proceeding in the amount of \$2,818.75. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed or delivered to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Mark C. Boettcher's license to practice medicine and surgery in the state of Wisconsin. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Mark C. Boettcher, M.D. fails to timely submit the payment of the costs as set forth above, or fails to comply with the ordered education, Mark C. Boettcher's license (#33859) shall be suspended, without further notice or hearing, until Mark C. Boettcher, M.D. has complied with the terms of this Order.

8. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

Alfred Franger

A Member of the Board

11-17-04

Date