

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/wscqa>.
- 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 :
DISCIPLINARY PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
 :
MYRON M. MARLETT, MD :
RESPONDENT : LS0312151MED

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

Myron M. Marlett, MD
Ste. 240
P.O. Box 8900
Green Bay, WI 54308-8900

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 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 Board. The Board has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Myron Max Marlett, MD, (D.O.B. 05/30/1945) is duly licensed in the state of Wisconsin to practice medicine and surgery (license #21501). This license was first granted on 04/21/1978. Respondent specializes in urology.
2. Respondent performed a left nephroureterectomy on EB, a female born in 1919, on or about January 19, 1994, for treatment of transitional cell carcinoma (TCC) of the renal pelvis.
3. Respondent diagnosed bladder carcinoma in 1995, and EB was treated with one course of intravesical instillation of bacillus Calmette-Guerin (BCG).
4. Respondent performed follow-up cystoscopies approximately every 6 to 12 months from 1995 through 2002, and fulgurations of recurrent bladder tumors were performed.
5. During the eight years Respondent provided EB treatment for renal pelvis and bladder transitional cell carcinoma, three evaluations of the right upper urinary tract were performed, including two intravenous pyelograms and one computerized axial tomography. (A renal ultrasound was performed on January 13, 1994; a retrograde pyelogram was performed on January 19, 1994; and an intravenous pyelogram was performed on June 12, 1995.) None of these evaluations indicated any evidence of tumor or abnormality.
6. Following June 12, 1995, Respondent did not perform further upper urinary tract studies, nor did Respondent perform any upper urinary tract visualization studies during the eight years post-operative. Respondent did not perform any cytology studies after 1994.
7. EB was scheduled for a transurethral resection for two bladder tumors as an elective procedure on August 14, 2002,

by respondent, following discovery of these tumors during routine followup.

8. EB had a history of mitral valve regurgitation and cardiomyopathy, which was known to respondent. Prior to the August 14, 2002 procedure, Respondent obtained evaluation and approval from the EB’s cardiologist, given the fact that anesthesia would be for a very short period of time.

9. EB had preoperative laboratory studies performed on August 13, 2002. The clinical laboratory report indicated the following abnormal results:

General Laboratory			Urinalysis		
<i>item</i>	<i>result</i>	<i>range</i>	<i>item</i>	<i>result</i>	<i>range</i>
sodium	122 meq/L	135-145	Protein	30	Neg.
potassium	5.5 meq/L	3.5-5.1			
chloride	80 meq/L	96-108			
bicarbonate	30 meq/L	22-29			
alkaline phosphatase	268 u/L	38-117			
calcium	10.7 mg/dl	8.8-10.0	Platelet Function Assay		
AST/SGOT	316 u/L	<32	<i>item</i>	<i>result</i>	<i>range</i>
ALT/SGPT	273 u/L	<32	Epinephrine	184 secs	83-170
WBC	15.7 k/uL	4.0-10.3	ADP	107 secs	63-104
Glucose	159 mg/dl	83-110			
Ab Count-Neutron	11.2 k/uL	1.69- 7.16			
Mono	1.2 k/uL	0.19- 0.91			

10. Respondent did not perform further evaluation of the patient prior to surgery as a result of the abnormal laboratory results. The medical record documentation contains no indication that Respondent assessed the abnormal lab values. The Board finds that these values clearly indicate that the patient is ill, and contraindicate any elective surgery, unless further evaluation makes it clear that the particular surgery was warranted notwithstanding these results. Such evidence is absent from the patient’s health care record.

11. On or about August 14, 2002, Respondent performed a transurethral resection for two bladder tumors as an elective procedure. The patient was discharged home the day of the procedure with discharge instructions to follow-up with Respondent “as needed.”

12. On August 19, 2002, the patient presented to the emergency room with complaints of progressive weakness and dyspnea. She was hospitalized with evidence of an outpatient acute myocardial infarction. Testing on August 21, 2002, revealed findings “consistent with metastases diffusely involving the liver and left posterior lung base and possible skeletal structures and possible with lymphangitic involvement of lung parenchyma and with extension to the inferior hilum and adjacent mediastinum.” Comfort care was provided, and the patient expired on August 25, 2002.

13. On February 5, 2004, respondent was found to have committed “gross and flagrant violations” by MetaStar, the duly authorized peer review organization of the Center for Medicare and Medicaid Services, in his provision of medical services in this matter, but this finding has been fully resolved to the satisfaction of the MetaStar Peer Review Panel.

CONCLUSION OF LAW

The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to §448.02(3), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that respondent shall, within 30 days of this Order, enter the risk management assessment program of the University of Wisconsin School of Medicine, Continuing Medical Education department, as outlined below. Respondent shall cooperate fully and promptly with the program, and complete any educational program recommended during the assessment. Respondent shall pay all costs associated with the assessment, and program. The risk management assessment program shall include:

- A. An on-site assessment of the physician's office practices and procedures (and those of any hospital in which he practices, in the discretion of the assessors), to include the office's layout, personnel issues, procedures, medical records, informed consent procedures, follow-up systems, drug and prescription policies, and such other relevant practices and procedures as the assessors may determine are appropriate for review, in their professional judgment and discretion. Respondent and his staff shall cooperate fully with the assessors in this process, and respondent shall request that his colleagues cooperate fully in this process. This phase of the program shall be completed within 90 days of this Order.
- B. A report of the assessment shall be written by the assessors, including (if indicated) a reasonable proposed educational plan which shall include a review of the objectives, educational requirements, expected behavior changes for both physicians and staff, time-line, and budget. Respondent shall forthwith undertake the education program and implement the other recommendations of the assessors. If respondent disagrees with the reasonableness of the program or recommendations, the monitoring liaison of the Board shall determine the reasonableness of the disputed aspects of the program or recommendations, and his/her decision shall be final.
- C. Respondent shall comply with the time line of the program and will respond within 14 days to the written follow-up questionnaires to be sent to him approximately 3 and 6 months following the initial site visit. Respondent shall cooperate fully with the final site visit which will take place approximately 12 months after the initial site visit.
- D. Following the final site visit, the assessors shall prepare a final assessment which sets for the respondent's compliance with the objectives of the program (including evidence that he has implemented all recommended changes in office procedures and practices) to the extent that he has reduced the risk in his practice to a level consistent with the public's legitimate expectations of safety and the standards of practice of the profession.
- E. Upon successful completion of the program, the UW-CME program shall certify to the Board and respondent that respondent has met the objectives of the program, and this shall be accepted in lieu of other discipline.
- F. If respondent does not successfully complete the program, or does not successfully achieve the objectives of the program, this matter shall be referred to the Board to determine any appropriate additional discipline for the conduct set out in the Findings of Fact. Respondent and the Division may present argument to the Board on that issue.

IT IS FURTHER ORDERED, that respondent shall, no later than December 31, 2005, complete no less than 40 hours of Category I Continuing Medical Education in the area of treatment and followup of urologic oncology, and perioperative evaluation and management.

IT IS FURTHER ORDERED, that respondent shall pay the COSTS of investigating and prosecuting this matter of \$8,100, within 60 days of this Order.

IT IS FURTHER ORDERED, that pursuant to §448.02(4), Wis. Stats., if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license and registration of respondent be summarily suspended pending investigation of the alleged violation.

Dated this October 20th, 2004.

WISCONSIN MEDICAL EXAMINING BOARD

Alfred Franger
A Member of the Board