

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST
CATHERINE C. MCKESSON, M.D.
RESPONDENT

:
:
:
:
FINAL DECISION
AND ORDER
LS 0403172MED
:
:
:

Division of Enforcement Case File No. 03 MED 152

The parties to this action for the purposes of section 227.53 of the Wisconsin Statutes are:

Catherine C. McKesson, M.D.
420 East Division Street
Fond du Lac du Lac, WI 54935

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, 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. Catherine C. McKesson, M.D., (D.O.B. 11/23/1962) is duly licensed in the state of Wisconsin to practice medicine and surgery (license #39287). This license was first granted on 08/22/1997.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 420 East Division Street, Fond du Lac du Lac, WI 54935.
3. At all times relevant to this action, Respondent worked as a physician in the urgent care center of Fond du Lac Regional Medical Center ("Urgent Care").

4. On October 24, 2002, Duane Boelk, a 75 year old male, saw Dr. McKesson at Urgent Care. He complained of a three day history of chest heaviness and coughing. He described recent work on a corn combine during which he did not wear a respirator.

5. Dr. McKesson's physical examination of Mr. Boelk revealed no palpitations or chest pain, no GERD, no orthopnea or edema. His vital signs were within normal limits. A chest x-ray was taken which showed heart size to be within normal limits, with no pneumothorax or acute infiltrate. Dr. McKesson did not order an EKG.

6. Dr. McKesson diagnosed acute viral bronchitis and prescribed Albuterol®, Claritin®, and Delsym® cough medicine as needed. She instructed the patient to contact his internist in the morning to update him, to call the on-call physician if his symptoms worsened, and to return to Urgent Care if needed.

7. Mr. Boelk did not return to Urgent Care. Shopko Pharmacy called Urgent Care at 12:19 p.m. to state that Mr. Boelk was requesting a prescription cough medicine. Mr. Boelk was instructed to use Delsym.

8. Mr. Boelk called his internist as instructed at 2:05 p.m. on October 25, 2002. He indicated that he was doing better, with less chest heaviness.

9. On October 26, 2002, Mr. Boelk was transported by ambulance to St. Agnes Hospital in Fond du Lac, arriving at 10:55 a.m. He was diagnosed with a myocardial infarct with third degree AV block and hyperacute ST elevation in V2, V3 and V4.

10. Mr. Boelk was transferred to St. Luke's Hospital in Milwaukee. The initial interventions were completed successfully, but Mr. Boelk died later that day. The St. Luke's attending physician put the time of the infarct at between 8:00 a.m. and 9:00 a.m. on October 26, 2002.

11. For the sole purpose of resolution of this matter. Respondent consents to issuance of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to section 448.02(3), Stats.

2. The Board is authorized pursuant to section 227.44(5), Stats., to enter into the attached Stipulation and Order and impose the following terms and conditions.

3. Respondent's failure to order an EKG constitutes a basis for action within the meaning of section 448.02(3), Stats and Wis. Admin. Code section MED 10.02(2)(h).

ORDER

NOW, THEREFORE, IT IS ORDERED:

1. The Stipulation of the parties is approved.
2. The license of Catherine C. McKesson, M.D., is LIMITED pursuant to section 448.02(3) Wis. Stats., and as follows:

Education:

- a. Respondent shall certify to the Board the successful completion, within 9 months of the date of this Order, of a course of training consisting of Continuing Medical Education courses, pre-approved by the Board, of not less than 24 hours in cardiac care, of which 8 hours shall include training in emergency cardiac care. Within 3 months of the date of this Order, Respondent shall submit to the Board, or its designee, an outline of the required training for approval, which shall contain the name of the institution providing the instruction, the name of the instructor, and the content of the training.
- b. Respondent shall be responsible for the cost of compliance with this Order.
- c. Respondent may petition the Board to lift this limitation upon proof of successful completion of the training described above.

3. Costs:

Respondent shall pay costs in the sum of \$700.00 to the Department of Regulation and Licensing.

4. Compliance:

Failure by Respondent to fully and timely comply with the requirements of this Order shall result in the imposition of a summary suspension, without further notice or hearing, until such time as full compliance with the provisions of this Order has been attained.

5. Appeals:

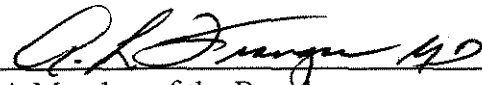
The rights of party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

6. **Effective Date:**

This Order shall become effective upon the date of its signing.

MEDICAL EXAMINING BOARD

By


A Member of the Board

3/17/04
Date

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

CATHERINE C. MCKESSON, M.D.
RESPONDENT

STIPULATION

It is hereby stipulated between Catherine C. McKesson, by her attorneys Paul H. Grimstad and Jeremy Gill of Nash, Spindler, Grimstad & McCracken, LLP; and Jeanette Lytle, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

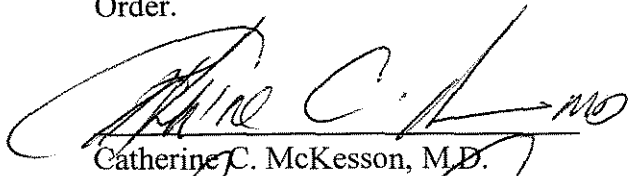
1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (03 MED 152). Dr. McKesson consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Dr. McKesson understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Dr. McKesson is represented by legal counsel and has consulted with her legal counsel prior to signing this stipulation.
4. Dr. McKesson agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Dr. McKesson waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this stipulation, and the matter shall be returned to the Division of enforcement for further proceedings. In the event that this stipulation is not accepted by the

Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

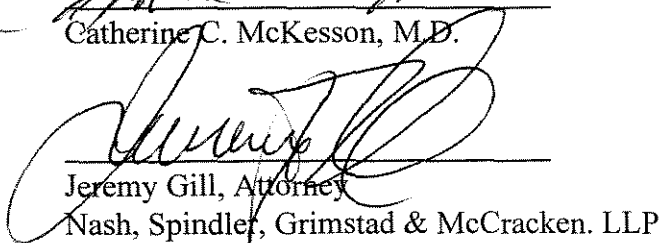
6. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Board in open or closed session without the presence of the Respondent for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. Dr. McKesson is informed that should the Board adopt this stipulation, the Board's final decision and order is a public record and may be subject to publication, according to standard Department procedures.

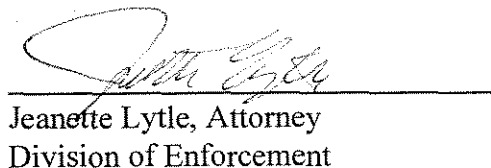
8. The Division of Enforcement joins Dr. McKesson and her attorneys in recommending that the Board adopt this stipulation and issue the attached Final Decision and Order.


Catherine C. McKesson, M.D.

2/24/04
Date


Jeremy Gill, Attorney
Nash, Spindler, Grimstad & McCracken. LLP

2/24/04
Date


Jeanette Lytle, Attorney
Division of Enforcement

2/25/04
Date

Costs \$ 700.00