

# 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 LICENSE OF	:	
	:	FINAL DECISION & ORDER
JOHN WEIBEL, D.O.	:	FOR REMEDIAL EDUCATION
	:	LS0409154MED

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**Division of Enforcement Case # 03 MED 300**

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

John Weibel, D.O.  
210 Franklin Street  
Manchester, IA 52057

Wisconsin Medical Examining Board  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
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 executed by John Weibel, D.O. personally and by David A. Hart, 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 Weibel, of 210 S. Franklin, Manchester, Iowa was born on January 15, 1941, and is currently licensed to practice medicine and surgery in the state of Wisconsin, license # 21-34098.

2. An informal complaint received by the Medical Examining Board alleges that on December 6, 2000 patient BS was admitted to Prairie Du Chein Memorial Hospital ("The Hospital") for elective bunion and hammertoe surgery on her left foot. The surgery on BS's left foot was successful and otherwise unremarkable. The Respondent did not perform the surgery on BS's foot.

- a) On January 4, 2001, BS presented to the hospital emergency room complaining of shortness of breath, lightheadedness and tightness of her chest. BS was also coughing sporadically.
- b) The Respondent evaluated BS. The Respondent reviewed BS's vital signs, took a chest x-ray of the Respondent's chest and took a blood sample from BS. The Respondent determined from his evaluation of BS that she had an upper respiratory infection. The Respondent recommended that BS get rest and follow up with her primary doctor the following day. The Respondent did not perform a cardiac enzyme test, a CAT scan or a ventilation perfusion test to rule out the possibility of a cardiac ischemia or a pulmonary embolism.
- c) On January 5, 2001, as BS was preparing for a visit to her primary doctor, she collapsed. BS died on January 5, 2001 of a pulmonary embolism.

## CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to § 448.02, Stats.
2. The Wisconsin Medical Examining Board has the authority to resolve this proceeding by stipulation without an evidentiary hearing pursuant to § 227.44(5), Stats.

## ORDER

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

IT IS FURTHER ORDERED that John Weibel, will, within nine months of the date of this Final Decision And Order, take and complete 20 hours of Category 1 continuing medical education course in cardiac and pulmonary emergency diagnosis and treatment. Each course attended in satisfaction of this Order must be preapproved by the Wisconsin Medical Examining Board or its designee. Dr. Weibel will be responsible for locating courses satisfactory to the Wisconsin Medical Examining Board and for obtaining the required approval of the courses from the Wisconsin Medical Examining Board or its designee. Dr. Weibel will within 60 days of completion of this educational requirement file an affidavit with the Wisconsin Medical Examining Board stating under oath that he has attended in its entirety each of the courses approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations. This affidavit and the supporting documentation of attendance will be filed with:

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

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

Dr. Weibel will be responsible for paying the full cost of attendance at these courses. Dr. Weibel will not apply any of the continuing education credits earned in satisfaction of this Order toward satisfaction of his §448.13, Stats., biennial training requirements.

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

IT IS FURTHER ORDERED that Dr. Weibel is responsible for compliance with all of the terms and conditions of this Final Decision and Order. Dr. Weibel will promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order or of any failure to timely fulfill his responsibilities under the terms of this Order.

IT IS FURTHER ORDERED that pursuant to § 448.02(4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Dr. Weibel 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. Weibel to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

IT IS FURTHER ORDERED that the Respondent shall, within 60 days of this Order, pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$300, pursuant to Wis. Stat. 440.22, Stats.

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 15<sup>th</sup> day of September, 2004.

WISCONSIN MEDICAL EXAMINING BOARD

Alfred Franger

A Member of the Board