

# 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  
DISCIPLINARY PROCEEDINGS AGAINST

FINAL DECISION AND ORDER

JOHN LEE WAELTZ, M.D.,  
RESPONDENT.

LS-0412131-MED  
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03 MED 482

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

John L. Waeltz, MD  
4655 N. Port Washington Rd.  
Glendale, WI 53212

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

PROCEDURAL HISTORY

A formal Complaint was filed in this matter on 12/13/04. An Answer was timely filed.

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. Respondent John Lee Waeltz (dob 3/30/54) 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 #26524, first granted on 10/26/84. Respondent is an obstetrician and gynecologist.
2. On 9/25/02, Respondent was the obstetrician for patient N.P, a 33 year old woman who was due to give birth to her sixth child. The patient's second child was born via cesarian section, and three children had since been born vaginally without complications. The patient had a history of genital herpes, but was free of symptoms of active outbreak throughout her pregnancy and on this date; Respondent had prescribed valacyclovir 500mg BID, on 9/4/02. The calculated full term date for the patient was 9/30/02. Respondent had been the patient's obstetrician since 1986, and was very familiar with the patient and her history, and had delivered her three children vaginally without complication following her cesarean section.
3. Because the patient was not having an active outbreak of herpes and had a favorable cervical examination, Respondent elected to induce labor on 9/25/02. Respondent ordered prostaglandin gel placed on the posterior fornix. One hour later, her amniotic sac was manually ruptured by Respondent, and two hours after the sac was ruptured oxytocin was administered intravenously, on Respondent's order.
4. Following a period of labor of several hours, the patient's uterus ruptured and the fetus died before delivery.
5. The patient was at increased risk of uterine rupture as a result of an earlier cesarean section. The use of prostaglandin gel to induce labor is associated with an increased risk of uterine rupture. The use of prostaglandins to induce labor in a VBAC has been discouraged by the American College of Obstetrics and Gynecology in ACOG Committee Opinion #271, published in the journal *Obstetrics & Gynecology* in April, 2002.

6. Respondent did not document in the patient's health care record a discussion with the patient concerning the proposed induction of labor and/or explanation of the risks and benefits of the options selected, as described above.

### CONCLUSIONS OF LAW

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

B. The conduct described in pars. 5 and 6, above, is in violation of Wis. Adm. Code § MED 10.02(2)(h) and § Med 18.05.

### ORDER

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

IT IS FURTHER ORDERED, that John Lee Waeltz, MD, is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that the license of Respondent is LIMITED as provided in Wis. Stats. §448.02(3)(e), and as follows: he shall successfully complete the 2006 written maintenance of certification examination offered by the American Board of Obstetrics and Gynecology. All expenses associated with taking and passing the examination, and causing the results to be directly reported to the Board, are the responsibility of Respondent.

IT IS FURTHER ORDERED, that pursuant to Wis. Stats. §227.51(3) and §448.02(4), 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 Respondent's license. 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 Respondent fails to timely submit any payment of the Costs as set forth above, or fails to comply with the ordered continuing education or fails to successfully complete the examination, the Respondent's license shall be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

IT IS FURTHER ORDERED, that Respondent shall pay the COSTS of investigating and prosecuting this matter of \$4,000, within 90 days of this Order.

Dated this October 12, 2005.

WISCONSIN MEDICAL EXAMINING BOARD

by: Alfred L. Franger, MD  
A member of the Board