

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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10. Respondent performed no diagnostic testing, including CT and radiographs, to determine the cause of the patient's

symptoms during the course of the admission.

11. Respondent did not notify the physician who had performed the surgery on the previous day of the patient's subsequent admission to the emergency room with complaints of pain in the area of the previous surgery.

12. On December 11, 1998, Patient JA returned to the hospital at 1800 with complaints of severe abdominal pain. Examination revealed diffuse tenderness on percussion with involuntary guarding.

13. Exploratory surgery revealed diffuse peritonitis and a small ilial enterotomy. Segmental small bowel resection was performed and the patient developed respiratory failure, renal insufficiency and clinical indicators of sepsis. The patient eventually fully recovered.

14. Respondent's conduct as herein described with regard to Patient JA fell below the minimum standards of competence established in the profession in that he failed to properly evaluate a recent post surgical patient with complaints of abdominal pain, including the failure to perform appropriate diagnostic testing, and Respondent failed to notify the physician who performed the surgical procedure on the previous day of the patient's subsequent admission to the emergency room with complaints of pain in the area of the previous surgery.

15. There have been no subsequent complaints filed with the Department involving Respondent's practice.

16. The Respondent has fully cooperated in the investigation and has voluntarily agreed to the Order contained herein.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 448.03.

2. The Wisconsin Medical Examining Board has the authority to resolve this matter by stipulation without an evidentiary hearing pursuant to Wis. Stats. sec. 227.44(5).

3. Respondent's failure to properly evaluate a recent post surgical patient with complaints of abdominal pain, including the failure to perform appropriate diagnostic testing, and Respondent's failure to notify the physician who performed the surgical procedure on the previous day of the patient's subsequent admission with complaints of pain in the area of the surgery constitutes a violation of Wis. Stats. sec. 448.03(2) and Wis. Admin. Code sec. MED 10.02(2)(h).

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties, as attached hereto, is accepted.

IT IS HEREBY FURTHER ORDERED that Scott D. Howells, M.D. is reprimanded.

IT IS FURTHER ORDERED that the license of Scott D. Howells, M.D., Respondent, is hereby limited on the following conditions:

1. Within one year of the effective date of this Order, Dr. Howells shall participate in and successfully complete twelve (12) hours of continuing education in the evaluation and treatment of abdominal pain, with an emphasis on post surgical presentations. These credits shall not be counted as part of the mandatory continuing education

2. Dr. Howells shall be responsible for locating the courses required under this Order, for providing adequate course descriptions to the Department Monitor and for obtaining pre-approval of the courses from the Wisconsin Medical Examining Board prior to commencement of the programs. The Board may reject in whole or in part any educational opportunity which is nominated by Dr. Howells when, in the Board's judgment, the syllabus or description of the course or other educational opportunity is insufficient to fulfill the purpose for which Dr. Howells suggests it by reason of the educational opportunity's scope, content, method of instruction, or degree of participation required of students. The Board shall not unreasonably deny an educational opportunity suggested by Dr. Howells. The courses taken to meet this requirement shall not apply to the statutory CME obligation.

Respondent has participated in numerous educational programs in the diagnosis and treatment of abdominal pain in the emergency room since the date of this incident. If, subsequent to December 11, 1998, but prior to the date of this Order, Respondent has successfully completed courses which may meet the requirements set forth in this paragraph, he may submit a syllabus and completion certification for consideration by the Board. If acceptable, the course/s hours shall be applied toward completion of this requirement.

3. Within 30 days after the courses identified in paragraph one above are concluded, Dr. Howells shall file with the Wisconsin Medical Examining Board certifications from the sponsoring organization of his attendance at the required courses.

4. All costs of the educational programs shall be the responsibility of the Dr. Howells.

5. Dr. Howells shall pay costs in this matter in the amount of \$1236.00 payable to the Department of Regulation and Licensing within ninety days of the effective date of this Order.

6. Submission of all required documentation and payment of costs shall be mailed 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. Upon satisfactory completion of the terms of this Order, the license of Scott D. Howells, M.D., to practice medicine and surgery in the State of Wisconsin shall be immediately restored to full and unrestricted status.

8. 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 ordered, or violates any other term of this Order, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

9. This Order is effective upon signing.

Dated at Madison, Wisconsin this 18th day of May, 2005.

WISCONSIN MEDICAL EXAMINING BOARD

Bhupinder S Saini, M.D.
A Member of the Board