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STATE OF WISCONSIN BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST

FINAL DECISION AND ORDER LS # 0505183MED

SCOTT D. HOWELLS, M.D. RESPONDENT.

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(DIVISION OF ENFORCEMENT FILE # 02 MED 218)

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

Scott D. Howells, M.D. 4027 Ashland Ave Wausau, Wi. 54403

Medical Examining Board 1400 E. Washington Avenue P.O. Box 8935 Madison, Wi. 53708 8935

Department of Regulation and Licensing Division of Enforcement 1400 E. Washington Avenue P.O. Box 8935 Madison, WI 53708 8935

PROCEDURAL HISTORY

The parties in this matter, Scott D. Howells, M.D., Respondent, personally and through his attorney, David A. Piehler, Piehler and Strande, S.C., and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Medical Examining 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. Scott D. Howells, M.D., Respondent herein, 4027 Ashland Ave., Wausau, Wisconsin 54403, whose date of birth is May 22, 1958, is licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license number 35270 which was granted on April 8, 1994.
 - 2. Respondent is a Fellow of the American College of Emergency Physicians.
 - 3. An investigation entitled 02 Med 218 is pending in this matter before the Wisconsin Medical Examining Board.
- 4. In December 1998 patient JA, a 40 year old female, presented to Earl Zabel, M.D. with complaints of menometrorrhagia and was diagnosed with a right adnexal mass.
- 5. On December 10, 1998 patient JA underwent an outpatient D and C and an exploratory laparoscopy during which a cyst on the right ovary was drained and biopsied.
- 6. On December 11, at 0005, patient JA presented at the Wausau Hospital Emergency Room with complaints of abdominal pain. Vital signs on admission were a temperature of 97.8, a pulse of 88, respirations of 22 and blood pressure of 130/70. She had a recent history of the outpatient D and C and exploratory laparoscopy and not urinating since the procedure until vomiting induced urination.
- 7. Respondent examined the patient at 0025 and ordered placement of a Foley catheter which returned clear urine with no relief of pain.
- 8. At 0035 Respondent ordered pain medications with IV normal saline. Administration occurred at 0047 and shortly thereafter the patient reported the pain was gone and she was sleepy.
 - 9. At 0230 Respondent discharged the patient.
 - 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