

# 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  
: FOR REMEDIAL EDUCATION  
DAVID P. MATTHEWS, M.D. :  
: LS0512144MED

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Division of Enforcement Case #03 MED 590

The parties to this proceeding for purposes of Wis. Stat. § 227.53 are:

David P. Matthews, M.D.  
420 E. Division Street  
Fond du Lac, WI 54935

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

PROCEDURAL HISTORY

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 Medical Examining Board (“Board”). The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. David P. Matthews, M.D., (DOB 02/01/1964) is duly licensed as a physician in the State of Wisconsin (license #20-36259). This license was first granted on January 13, 1995.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 420 Division Street, Fond du Lac, Wisconsin.
3. At all times relevant to this action, Respondent was working as an emergency room physician at St. Agnes Hospital in Fond du Lac, Wisconsin.
4. On or about September 23, 2002, patient D.H. presented to the emergency room with complaints of a long standing migraine headache which reportedly began after rubbing his eye. Pain and discharge of the right eye also existed, together with blurred vision and photophobia. D.H. reported a history of prior migraine headaches.

5. Respondent completed an eye exam, a neurological exam and a CT scan. D.H. was reluctant to allow further examination of the right eye.

6. Based upon his physical examination of D.H., Respondent determined that an immediate pressure was not necessary. Respondent diagnosed D.H. with migraine headache and right eye conjunctivitis. He treated D.H. with pain medication and discharged with eye drops and instructions to follow up with his ophthalmologist if he had not improved in 1-2 days.

7. D.H. saw an ophthalmologist two days later, and was diagnosed with acute angle closure glaucoma. He lost a portion of his vision in his right eye.

8. Respondent recognized that a specific pressure test, if employed, may have revealed the closure as of the September 23, 2002 contact with D.H.

### CONCLUSIONS OF LAW

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

### ORDER

#### IT IS ORDERED:

1. Respondent will, within 90 days of the date of this Final Decision and Order, take and complete 12 hours of Category 1 continuing education course in Ocular Vision, to include Tonometry. Each course attended in satisfaction of this Order must be preapproved by the Medical Examining Board or its designee. Respondent will be responsible for locating courses satisfactory to the Medical Examining Board and for obtaining the required approval of the courses from the Medical Examining Board or its designee. Respondent will, within 60 days of completion of this educational requirement, file an affidavit with the 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 Medical Examining Board will be deemed filed upon receipt by the Department Monitor.

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

#### IT IS FURTHER ORDERED that:

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Five Hundred Dollars (\$500.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor  
Division of Enforcement

Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935]

4. In the event Respondent fails to timely pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license (#20 36259) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order. The Board or its designee will remove the suspension, if provided with sufficient information that Respondent is in compliance with the Order and that it is inappropriate for the suspension to remain in effect. The Board in its discretion may impose additional conditions and limitations for a violation of any of the terms of this Order.

5. Respondent is responsible for compliance with all of the terms and conditions of this Final Decision and Order.

6. This Order is effective on the date of its signing.

Medical Examining Board

By: Alfred L. Franger MD  
A Member of the Board

December 14, 2005  
Date