

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JAMES NATHAN O'DEA. M.D.,	:	LS0606212MED
	:	
RESPONDENT.	:	

Division of Enforcement Case # 05 MED 242

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

James N. O'Dea, M.D.
Marshfield Clinic – Merrill Center
1205 O'Day Street
Merrill, WI 54452-3499

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

Medical Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
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. 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. James N. O'Dea, M.D., (DOB 07/30/1970) is duly licensed as a physician in the State of Wisconsin (license # 43593). This license was first granted on July 23, 2001.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 1205 O'Day Street, Merrill, WI 54452-3499.
3. At all times relevant to this action, Respondent was working as a physician in Wisconsin.

4. On or about July 8, 2003, Respondent delivered K.N.'s infant. During the second stage of labor, K.N. failed to progress.
5. Although the record is sparse, one note indicates that Respondent applied a vacuum extractor during approximately 10-14 contractions. Vacuum extraction failed.
6. Fetal tones dropped and an urgent C-Section was undertaken. At delivery, the infant was pale without significant grimace, tone or respiratory effort. Resuscitation was unsuccessful.
7. An autopsy showed that the infant had an avulsion/laceration of the midline suture and right posterior, 8 centimeters in length. She hemorrhaged approximately 350 cc into her scalp and pia arachnoid.
8. Respondent stipulates to this resolution for the purposes of resolving this matter and without any admission by Respondent of negligence or unprofessional conduct in connection with his care of this patient and her infant.

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).
2. The conduct described in paragraphs 4 - 8 above constitutes a violation of Wisconsin Administrative Code § Med 10.02(2)(h) and subjects Respondent to discipline pursuant to Wis. Stat. § 448.02.

ORDER

IT IS ORDERED:

1. James N. O'Dea, M.D. is REPRIMANDED.
2. The license of James N. O'Dea, M.D., to practice medicine in the State of Wisconsin is LIMITED as follows:
 - (a) Respondent shall, within six months of the date of this Order, complete 8 hours of continuing education in the management of the second stage of labor, to include vacuum extraction, and 8 hours of continuing education in medical recordkeeping.
 - a. Each course attended in satisfaction of this Order must be approved 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.
 - b. 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.

- c. Respondent will be responsible for paying the full cost of attendance at these courses.
- d. 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.

(b) Upon completion of the above conditions, Respondent will return to full licensure.

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Seven Hundred Dollars (\$700.00). 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
Telephone (608) 267-3817
Fax (608) 266-2264

4. In the event Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education or supervision, the Respondent's license (#43593) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Medical Examining Board

By: Bhupinder Saini
A Member of the Board

6/21/06
Date

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
JAMES NATHAN O'DEA, M.D.,	:	LS
	:	
RESPONDENT.	:	

Division of Enforcement Case # 05 MED 242

James N. O'Dea, M.D., personally and by his attorney Randall Sandfort; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 05 MED 242). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Medical Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

James Nathan O’Dea, M.D.
Marshfield Clinic – Merrill Center
1205 O’Day Street
Merrill, WI 54452-3499

Date

Randall Sandfort, attorney for
James Nathan O’Dea, M.D.
Marshfield Clinic
1000 N. Oak Avenue
Marshfield, WI 54449-3414

Date

Jeanette Lytle, Attorney
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date