

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MICHAEL J. KINCHELOE, M.D.,	:	LS# 0610161MED
	:	
RESPONDENT.	:	

Division of Enforcement Case # 03 MED 498

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

Michael J. Kincheloe, M.D.
2845 Greenbrier Road
Green Bay, WI, 54308

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. Michael J. Kincheloe, M.D., (DOB 12/23/1956) is duly licensed as a physician in the State of Wisconsin (license #20-29147). This license was first granted on March 24, 1988.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 2845 Greenbrier Road, Green Bay, Wisconsin, 54308.
3. Respondent specializes in obstetrics and gynecology.

4. In or about 1999, Respondent was seeing patient C.E. for prenatal care and delivery. C.E. was 34 years old and a primigravida.
5. On or about August 24, 1999, C.E. was admitted to the hospital for hypertension.
6. On or about August 25, 1999, labor was induced with Pitocin.
7. Fetal heart tracings began showing some decelerations at approximately 2:30 p.m. and continued to show decelerations from approximately 4:00 p.m. to approximately 8:00 p.m. Respondent did not attach an internal fetal heart monitor and continued Pitocin.
8. At approximately 8:00 p.m., respondent discontinued the external fetal heart monitor.
9. The baby failed to descend appropriately. At approximately 8:45 p.m. Respondent attempted a forceps delivery. The baby was discovered to be in occipitoposterior position and was rotated with forceps.
10. At approximately 9:00 p.m. a vacuum was applied unsuccessfully. The baby rotated back to the posterior position and forceps were used again.
11. At approximately 9:15 p.m. the vacuum was reapplied and the baby was delivered.
12. A tight nuchal cord had to be clamped from the neck and unwound.
13. Resuscitation measures were undertaken. Apgars were 3 and 5 at one and five minutes. Blood gases revealed a PH of 7.0. The baby has cerebral palsy, and seizures which are uncontrollable with medication.

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 6 - 12 above constitutes negligence and 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. Michael J. Kincheloe, M.D. is REPRIMANDED.
2. The license of Michael J. Kincheloe, 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 12 hours of continuing education in the management of the second stage of labor, to include fetal monitoring, vacuum extraction and forceps deliveries.
 - 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. The following courses are pre-approved: (1) EFM Review Course 2007, Lisa A. Miller,

CNM, JD; (2) Advanced Fetal Monitoring 2007, Lisa A. Miller, CNM, JD; and (3) 8th Annual National Conference on Fetal Monitoring, Maternal-Fetal Assessment and Interventions, Symposia Medicus.

- 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 Two Thousand, Five Hundred Dollars (\$2,500.00). 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
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, the Respondent's license (# 20-29147) 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: Gene Musser MD
A Member of the Board

11/15/06
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
MICHAEL J. KINCHELOE, M.D.,	:	LS# 0610161MED
	:	
RESPONDENT.	:	

Division of Enforcement Case # 03 MED 498

Michael J. Kincheloe, M.D., personally on his own behalf, 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 # 03 MED 498). 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.

Michael J. Kincheloe, M.D.
2845 Greenbrier Road
Green Bay, WI, 54308

Date

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

Date