

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
KAREN T. GOTWALT, M.D., :
RESPONDENT. :

FINAL DECISION AND ORDER
LS 0701032 MED

Division of Enforcement Case # 05 MED 446

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

Karen T. Gotwalt, M.D.
12011 W. North Ave.
Wauwatosa, WI 53226

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. Karen T. Gotwalt, M.D., (DOB 02/20/1953) is duly licensed and currently registered as a physician in the State of Wisconsin (license # 20-28663). This license was first granted on July 1, 1987.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 12011 W. North Avenue, Wauwatosa, Wisconsin, 53226.
3. A complaint was filed with the Division of Enforcement regarding Respondent's monitoring of the birth of a

child whose mother was attempting a vaginal birth after a previous Cesarean Section.

4. On or about December 20, 2006, the Medical Examining Board found probable cause to issue a formal disciplinary Complaint and begin the disciplinary hearing process.

5. During the course of discovery, deposition testimony suggested that Respondent did not in fact practice below minimum standards for a physician in connection with this delivery.

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. Complaint number LS 0701032 MED is dismissed.
2. No costs shall be awarded to either party.
4. This Order is effective on the date of its signing.

Medical Examining Board

By: Sujatha Kailas
Member of the Board

6/20/07
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : STIPULATION
KAREN T. GOTWALT, M.D., : LS 0701032 MED
 :
RESPONDENT. :

Division of Enforcement Case # 05 MED 446

Karen T. Gotwalt, M.D., personally and by her attorney, Michael Malone; 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 446). Respondent consents to the resolution of this investigation by stipulation.

2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her 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 obtained 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 her 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.

Karen T. Gotwalt, M.D.
12011 W. North Ave.
Wauwatosa, WI 53226

Date

Michael Malone
Attorney for Karen Gotwalt, M.D.
Hinshaw & Culbertson, L.L.P.
100 E. Wisconsin Ave., Suite 2600
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Date

Jeanette Lytle, Attorney
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P.O. Box 8935
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Date