

# 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	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	<b>FINAL DECISION AND ORDER</b>
	:	
ROBERT J. FERRANTE, M.D.,	:	LS0704181MED
RESPONDENT.	:	

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Division of Enforcement Case #06 MED 252

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

Robert J. Ferrante, MD  
1818 N. Meade St., #N-347  
Appleton, WI 54911

Wisconsin Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
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 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. Respondent Robert Joseph Ferrante (dob 12/6/63) is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #44645, first granted on 6/25/02. Respondent is a cardiovascular and thoracic surgeon and is certified by the American Board of Surgery, and the American Board of Thoracic Surgery.

2. On 6/11/04, patient B.M., a woman born in 1941, was admitted to the hospital and evaluated there by the admitting cardiologist, who performed a catheterization. Respondent subsequently performed a three-vessel coronary artery bypass grafting on 6/14/04. Upon discharge on 6/22/04, Respondent prescribed, among other things, amiodarone and warfarin 5mg, with instructions to take the warfarin medication for two days and then go to the laboratory and have her blood drawn. Respondent's intention was to review the clotting time and then determine whether to prescribe warfarin in the future, and if so in what dosage.

3. The patient took the medication as prescribed, and reported to the laboratory as requested, and had her blood drawn. The test results showed the ProTime on 6/24/04 of 67.1 [range 8.1 – 10.1] and ProTime INR of 6.7 [range 0.9 – 1.1], and were faxed to Respondent's office on the same day, and placed on the computerized record system, to which Respondent had access in his office.

4. Respondent did not see the faxed test results, and they were apparently placed in the patient's chart by ancillary personnel.

5. The discharge order of Respondent and the discharge medication list from the hospital indicated that the warfarin was to be taken on the day of discharge (6/22/04) and the next day. Apparently, the patient did not understand that she was to then stop taking the warfarin medication pending further prescription by Respondent, and she continued to take 5mg per day.

6. The patient called Respondent's office on 6/29/04, and complained of some chest incision drainage; she was seen in the office to evaluate that concern on 6/30/04. Respondent did not review the patient's test results in preparation for, or during, that visit, either on the computer or in the chart, and did not have actual knowledge of the patient's test results. The patient was not asked to list her current medications at the time of the visit.

7. On 7/8/04, the patient had a sudden severe headache at 8:30 AM along with severe pain in her frontal area with tingling down both arms. She was transported to hospital, where CT results were read as: "large acute and subacute right hemispheric intracranial hemorrhage with extensive mass effect and midline shift from right to left." The patient died later that day.

### CONCLUSIONS OF LAW

A. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

B. The conduct described in ¶¶4 and 6, above, constituted negligence in practice within the meaning of Wis. Stat. § 448.02(3).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Robert J. Ferrante, M.D., is REPRIMANDED for his conduct in this matter.

IT IS FURTHER ORDERED, that the license to practice medicine and surgery of respondent is LIMITED as set forth in Wis. Stat. § 448.02(3)(e), and as follows: Respondent shall participate in and satisfactorily complete the following risk management program:

1. The risk management educational program will be developed by and administered through the University of Wisconsin School of Medicine, Continuing Education Department.

2. An on-site assessment of the physician's office practices and procedures (and those of the hospital, in the discretion of the assessors), to include the office's layout, personnel issues, procedures, medical records, informed consent procedures, follow-up systems, drug and prescription policies, and such other relevant practices and procedures as the assessors may determine are appropriate for review, in their professional judgment and discretion. Respondent and his staff will cooperate fully with the assessors in this process, and Respondent will request that his colleagues cooperate fully in this process.

3. The assessment will be commenced within 30 days of this Final Decision and Order.

4. A report of the assessment will be written by the assessors, including a proposed educational program which will include a review of the objectives, educational requirements, expected behavior changes for both physician and staff, timeline and budget. The University of Wisconsin School of Medicine, Continuing Medical Education Program will submit the proposed educational program to the Wisconsin Medical Examining Board for approval.

5. Respondent will commence the educational program within 30 days of the Wisconsin Medical Examining Board's approval of the program, subject to the availability of faculty and staff to initiate the educational program.

6. Respondent will comply with the timeline of the program and will respond within 14 days to the written follow-up questionnaires to be sent to him approximately 3 and 6 months following the initial site visit. Respondent will cooperate fully with a final site visit that will be conducted within 30 days of completion of the educational program.

7. Respondent will complete the educational program and the final site visit within 15 months of the commencement of the educational program.

8. Following the final site visit, the assessors will prepare a final assessment which sets forth Respondent's compliance with the objectives of the program, including evidence that he has implemented all recommended changes in office procedures and practices, and describes the extent that he has reduced the risks in his practice to a level consistent with the standards of practice of the profession.

9. Within 30 days of the conclusion of the educational program and the final site visit, if they have been satisfactorily completed by Respondent, the University of Wisconsin School of Medicine, Continuing Medical Education Program, will certify to the Wisconsin Medical Examining Board that the educational program and the final site visit have been completed and that he has met the objectives of the program.

10. Respondent shall pay the costs of the assessment, educational program and site visits, including the professional fees and expenses of the assessors and faculty, within 30 days of the dates on which statements for professional services and expenses are submitted to him.

11. All certifications, affidavits or other documents required to be filed with the Wisconsin Medical Examining Board shall be filed with:

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

All certifications, affidavits or other documents required to be filed with the Wisconsin Medical Examining Board will be deemed filed upon receipt by the Department Monitor.

IT IS FURTHER ORDERED, that respondent shall pay the COSTS of investigating and prosecuting this matter of \$1,000 within 60 days of this Order.

IT IS FURTHER ORDERED, that pursuant to Wis. Stats. §§ 227.51(3) and 448.02(4), 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 fails to comply with the ordered risk management program, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

Dated this April 18, 2007.

WISCONSIN MEDICAL EXAMINING BOARD

by: Gene Musser MD  
a member of the Board