

# 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 DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
AMY J. STOLARSKI, M.D.,	:	<u>LS 0703022 MED</u>
RESPONDENT.	:	

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[Division of Enforcement Case No. 06 MED 014]

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

Amy J. Stolarski, M.D.  
13950 W. Capitol Drive, Suite 200  
Brookfield, WI 53005

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

Wisconsin Medical Examining Board  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

The Notice of Hearing and Complaint were filed in this matter on March 2, 2007. Prior to the hearing on the formal complaint, the parties in this matter agreed 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 this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Amy J. Stolarski, M.D., Respondent, date of birth January 3, 1965, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin pursuant to license number 34579, which was first granted July 1, 1993.
2. Respondent's last address reported to the Department of Regulation and Licensing is 13950 W. Capitol Drive, Suite 200, Brookfield, WI 53005.
3. Respondent's practice specialty listed with the Department is pediatrics and Respondent became board certified in pediatrics in 1997 and was recertified in 2005.
4. At the time of the events set out below, Respondent was practicing as a physician at Covenant Medical Group - Harwood Clinic, Wisconsin.
5. A baby girl was born May 16, 1999 and weighed 5 pounds 9½ ounces. The child was born with Shone's complex, a very rare congenital heart disease that consists of multiple anatomic defects that lead to the obstruction of blood

flow from the left side of the heart to the body.

6. Respondent was the child’s pediatrician. One of Respondent’s partners saw the child the first time and examined her on May 17, 1999 in the hospital and noted “no murmur.” Respondent saw the child on May 18, prior to discharge from the hospital. The child’s unique combination of defects caused her to have no abnormal blood flow or murmur which a pediatrician would be expected to hear.

7. On the following dates, Respondent performed well child check ups, listened to the child’s heart and detected no murmur and noted the following examination results:

	Date	Exam	Weight	Length	Head Circumference
a.	06/02/99	2 ½ week	6 lb. 6 oz.	19 ½” (25 <sup>th</sup> percentile)	36 cm.
b.	07/16/99	2 month	7 lb. 15 oz. (5 <sup>th</sup> percentile)	21 1/3” (10-25 <sup>th</sup> percentile)	39.1 cm.
c.	09/17/99	4 month	10 lb. 2 oz. (5 <sup>th</sup> percentile)	22 7/8” (10 <sup>th</sup> percentile)	41.2 cm. (50-75 <sup>th</sup> percentile)
d.	11/17/99	6 month	12 lb. 4 oz. (↓ 5 <sup>th</sup> percentile)	24 ½” (10 <sup>th</sup> percentile)	43.2 cm. (50-75 <sup>th</sup> percentile)
e.	02/18/00	9 month	14 lb. 12 oz. (↓ 5 <sup>th</sup> percentile)	25.25” (↓ 5 <sup>th</sup> percentile)	44.5 cm. (50-75 <sup>th</sup> percentile)
f.	05/17/00	12 month	16 lb. 2 oz. (↓ 5 <sup>th</sup> percentile)	27” (↓ 5 <sup>th</sup> percentile)	45.25 cm. (25-50 <sup>th</sup> percentile)
g.	08/18/00	15 month	17 lb. 1 oz. (↓ 5 <sup>th</sup> percentile)	27 3/8” (↓ 5 <sup>th</sup> percentile)	45.7 cm. (25-50 <sup>th</sup> percentile)

8. At the May 17, 2000 and August 18, 2000 check ups, Respondent discussed the child’s lack of height and weight with the child’s mother. The mother said she was not concerned because the members of her family and the father’s family were small. The mother and father were both 5’ 4”.

9. Respondent should have done the following:

a. At the 15-month well baby check up, Respondent should have recognized from the low length and weight measurements that it was likely something was wrong with the child and Respondent should have begun diagnostic procedures to determine what it might be or in the alternative, should have referred the child to a specialist for further work up.

b. Scheduled visits after the 15-month check up to closely monitor the child’s growth in length and weight.

10. This is the only complaint about Respondent’s practice ever received by the Board or the Department in the 14 years Respondent has been licensed and practicing in Wisconsin.

11. Following the time Respondent provided the care to this child, Respondent, on her own initiative and at her own expense, attended continuing medical education courses which included focus on children’s failure to thrive. These courses included:

- a. Pediatrics in Review (PIR) - 2001, 2002, 2003, 2004, 2005 and 2006.
- b. Pediatric Review and Education Program (PREP) Self Assessment Exercise - 2001, 2002, 2003, 2004, 2005 and 2006.
- c. Review Course for Board Recertification provided in 2003 by George Washington University Medical center and Children’s National Medical Center.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3), and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by the conduct set out above, violated Wis. Admin. Code § MED 10.02(2)(h) and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Amy J. Stolarski, M.D., Respondent, is hereby REPRIMANDED for the above conduct.
2. Respondent having completed the relevant continuing education set out in Finding of Fact 11, no further education is required.
3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$2,750.00 pursuant to Wis. Stat. § 440.22(2).
4. All payments required by this Order shall be mailed, faxed or delivered to:  

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264  
Telephone (608) 267-3817
5. In the event Respondent fails to pay costs as ordered, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.
6. This Order is effective on the date it is signed.

Wisconsin Medical Examining Board

By:	S Kailas MD	12/10/08
	A Member of the Board	Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
AMY J. STOLARSKI, M.D.,	:	<u>LS 0703022 MED</u>
RESPONDENT.	:	

[Division of Enforcement Case No. 06 MED 014]

It is hereby stipulated and agreed, by and between Amy J. Stolarski, M.D., Respondent; Michael P. Malone o Hinshaw & Culbertson LLP, attorneys for Respondent; and John R. Zwieg, attorney for the Complainant, Department o Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending disciplinary proceeding against Respondent's licensure by the Division of Enforcement (file 06 MED 014). Respondent consents to the resolution of this matter by stipulation and without a hearing.
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 advice of legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the 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 Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of 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 case 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.

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Amy J. Stolarski, M.D.  
Respondent  
13950 W. Capitol Drive, Suite 200  
Brookfield, WI 53005

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Date

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Michael P. Malone  
Hinshaw & Culbertson LLP  
Attorneys for Respondent  
100 E. Wisconsin Avenue, Suite 2600  
Milwaukee, WI 53202-4115

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Date

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John R. Zwieg  
Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date