

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
 : FINAL DECISION AND ORDER
 :
 MARK H. DECKER, M.D., :
 :
 RESPONDENT. : **ORDER 0000303**

[Division of Enforcement Case No. 07 MED 277]

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

Mark H. Decker, M.D.
N98W14861 Elmwood Drive
Germantown, WI 53022

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 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 this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Mark H. Decker, M.D., Respondent, date of birth August 25, 1953, 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 26951-20, which was first granted July 2, 1985.
2. Respondent's last address reported to the Department of Regulation and Licensing is N98W14861 Elmwood Drive, Germantown, Wisconsin 53022.

3. At the time of the events set forth below, Respondent's practice specialty was Obstetrics and Gynecology.

4. At the time of the events set out below, Respondent was employed as a physician at Aurora Sinai Medical Center in Milwaukee, Wisconsin.

5. On January 24, 2006, 28-year-old Patient TB presented to the Aurora Sinai Medical Center via ambulance in active labor. The patient was evaluated by the Respondent, who was covering for Patient TB's obstetrician. Patient TB previously had 5 vaginal deliveries.

6. Serial ultrasounds performed during Patient TB's prenatal care indicated a possible placenta accreta. An ultrasound performed on November 30, 2005 suggested an abnormal implantation with a vascular pattern. A follow-up ultrasound performed on January 4, 2006 commented on the placental vessels and the placental size.

7. Upon admission to the hospital, Patient TB quickly dilated to 9 cm. After discussing the risks with Patient TB, the Respondent, assuming the patient had placenta accreta, decided to perform a cesarean hysterectomy. The surgery was performed with the assistance of a general surgeon and another gynecological surgeon. The baby was delivered without complications.

8. Patient TB's pathology report indicates that the placenta and uterus were submitted as two separate specimens. The final pathology report showed no placental tissue in the uterus and no placenta accreta.

9. Respondent's conduct as herein described with regard to Patient TB fell below the minimum standards of competence established in the profession in the following respects:

a. Respondent should not have relied on imagining studies to diagnose placenta accreta without other risk factors since imaging studies have a significant rate of false positives.

b. Respondent should have allowed the patient to deliver vaginally and the placenta to deliver spontaneously, with a planned hysterectomy to be performed if the placenta did not detach.

10. Respondent's conduct as set forth above created the following unacceptable risks to the patient:

a. Respondent's reliance on imagining studies without additional risk factors in the patient created the risk that the results were a false positive, the patient did not have a placenta accrete, and the caesarean hysterectomy was unnecessary.

b. Respondent's performance of a cesarean section and hysterectomy without an attempt at vaginal delivery and spontaneous delivery of the placenta, created the risk of unnecessary pressure on the unborn baby, possible structural damage to surrounding vessels, particularly the ureter, and a possibly unnecessary hysterectomy.

11. Respondent's conduct as herein described tended to constitute a danger to the health, welfare and safety of Patient TB.

12. Respondent has voluntarily restricted his practice and no longer practices obstetrics and gynecology. Respondent's current specialty area is occupational health.

CONCLUSIONS OF LAW

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

2. Respondent's conduct as set forth in paragraphs 9 through 11 of the Findings of Fact is a violation of Wis. Stat. § 448.02(3) and Wis. Admin. Code § MED 10.02(2)(h).

ORDER

NOW THEREFORE IT IS ORDERED that the Stipulation of the parties is hereby accepted.

IT IS FURTHER ORDERED that Mark H. Decker, M.D. is hereby REPRIMANDED.

IT IS FURTHER ORDERED that the license of Mark H. Decker, M.D. to practice medicine and surgery in the State of Wisconsin shall be LIMITED on the following terms and conditions:

1. Mark H. Decker, M.D. shall, within twelve (12) months of the date of this Order, obtain eight (8) hours of education in the diagnosis and treatment of placental pathology, including suspected placenta accreta.

a) The courses attended for compliance with this requirement may not be used in satisfaction of the statutory continuing education requirements for licensure.

b) Dr. Decker shall be responsible for obtaining the courses required under this Order, for providing adequate course descriptions to the Department Monitor listed below and for obtaining pre-approval of the course from the Wisconsin Medical Examining Board or its delegatee prior to commencement of the programs.

c) Within thirty (30) days following completion of the courses identified in paragraph one above, Dr. Decker shall file with the Wisconsin Medical Examining Board certifications from the sponsoring organization verifying his attendance at the required courses.

d) All costs of the educational programs shall be the responsibility of Dr. Decker.

IT IS FURTHER ORDERED that:

2. Respondent shall within 90 days of this Order pay costs of this proceeding in the amount of two thousand five hundred (\$2,500.00) dollars. Payment shall be made 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

3. Violation of any 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 payment of the costs as ordered or fails to comply with the ordered continuing education as set forth above, the Respondent's license (No. 26951-20) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs or completion of the continuing education.

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

MEDICAL EXAMINING BOARD

By: _____

A Member of the Board

Date

Shailer

7/21/10