

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
DOUGLAS P. MOARD, M.D.,	:	
RESPONDENT.	:	ORDER 0000308

[Division of Enforcement Case No. 08MED266]

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

Douglas P. Moard, M.D.
W3547 Center Valley Road
Appleton, WI 54913

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. Douglas P. Moard, M.D., Respondent, date of birth December 17, 1957, 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 20-26838, which was first granted July 1, 1985.
2. Respondent's address of record with the Department of Regulation and Licensing is W3547 Center Valley Road, Appleton, WI 54913.
3. Respondent's practice specialty listed with the Department is Family Practice.

4. At the time of the events set out below, Respondent was employed as a physician at Thedacare Physicians, Kimberly, WI.

5. As of 2007, Respondent had been Patient JJ's primary care physician for a number of years. Patient JJ is a white male whose date of birth is March 11, 1961.

6. On Tuesday, December 26, 2006, Patient JJ, who was then 45 years old, saw Respondent for a comprehensive physical exam. Patient JJ complained of anal itching, usually at bed-time.

7. Respondent visually inspected Patient JJ's anal area, but did not do a digital examination. Respondent ordered an assessment for pinworms and a follow-up visit in five months to recheck his lipids.

8. Later in the day on December 26, 2006, Patient JJ called Respondent and reported that he had strained to pass a hard bowel movement and "something briefly bulged out and bled". Respondent noted that Patient JJ was "alarmed, but sounds like he had an internal hemorrhoid that prolapsed." Respondent did not offer to see Patient JJ, but recommended stool softeners.

9. On January 8, 2007, laboratory reports reported Patient JJ was negative for pinworms. A nurse notified Patient JJ of the result the next day. Respondent did not offer further examination or testing.

10. On April 26, 2007, Patient JJ called Respondent to report he'd had blood in his stool for approximately a month. Patient JJ said he'd just learned that his father and grandmother had both had colon cancer, and he requested a colonoscopy. Respondent ordered colonoscopy the same day.

11. Patient JJ underwent a colonoscopy on May 3, 2007, which resulted in discovery of a large sessile rectal polyp. Biopsies revealed a villous adenoma with high grade dysplasia. No carcinoma was noted by examination or biopsy. On May 7, 2007, a digital examination by another physician revealed a palpable mass located in the right posterolateral position. The mass began 6 cm from the anal verge and extended approximately 3.5 cm. The mass was soft, mobile, sessile and encompassed approximately 25% of the anal circumference.

12. The specialist recommended a transanal excision. On August 1, 2007, Patient JJ was diagnosed with rectal carcinoma. Patient JJ underwent a nearly total prostatectomy, distal colorectal anastomosis and diverting loop ileostomy.

13. The only family history documented by Respondent in Patient JJ's file reflected information obtained on September 18, 2002. At that time, only Respondent's uncle had been diagnosed with cancer, and the record does not state the form of cancer with which the uncle had been afflicted. Respondent indicates that he verified family history repeatedly; however, medical record-keeping software in use at the time did not fully document the inquiries. The Division has verified the software issue provided a legitimate explanation.

14. Respondent told the Division he did not think anal itching warranted a digital rectal examination because Patient JJ was under fifty years of age, and because Respondent did not think a digital rectal examination would explain anal itching.

15. Under the facts and circumstances set out above, on December 26, 2006, a minimally competent physician would have conducted a digital rectal examination.

16. Under the facts and circumstances set out above, on December 26, 2006, in response to the patient's telephone call reporting a protrusion from his anus with rectal bleeding, a minimally competent physician would have asked to see the patient for a digital rectal examination.

17. Respondent's failure to offer or perform a digital rectal examination on December 26, 2006, created an unacceptable risk that serious illness would go undiagnosed.

18. Respondent's failure to offer Patient JJ a digital rectal examination on December 26, 2006, and again on January 8, 2007, constituted failure to adequately inform Patient JJ of the availability of a viable medical mode of diagnosis and about the benefits and risks of the examination.

19. Respondent acknowledges his error in failing to conduct the digital examination and deeply regrets it. Respondent explains, without excusing the error, that the error occurred during a busy time period in which the office was minimally staffed due to a holiday.

20. Respondent has completed 20.5 hours of continuing education on proper assessment and colorectal cancer. Attached and incorporated into this document, identified as Exhibit A, is a list of pre-approved courses the Respondent completed.

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, by engaging in the conduct as set out in paragraphs 1-18, above, has engaged in conduct which tends to constitute a danger to the health, welfare, or safety of a patient, which is unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(h) and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

3. Respondent, by engaging in the conduct as set out in paragraphs 1-9 and 19, above, has committed unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(u) and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

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

IT IS FURTHER ORDERED that:

1. DOUGLAS P. MOARD, M.D., Respondent, is hereby REPRIMANDED for the above conduct.

2. Respondent is prohibited from applying the aforementioned educational credits toward satisfaction of continuing education requirements in any registration biennium.

3. Respondent shall, within 180 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$750.00 pursuant to Wis. Stat. § 440.22(2).

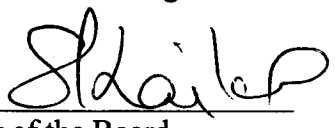
4. Requests for approval, notification of completion of educational program(s) and payment shall be faxed, mailed or delivered to:

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. 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 payment of the costs as set forth above, the Respondent's license (#20-26838) 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.

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

Wisconsin Medical Examining Board

By:  7/21/10
A Member of the Board Date