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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

MICHAEL N. MANGOLD, M.D., :
RESPONDENT. :

ORDER 0000587

ORDER OF SUMMARY SUSPENSION

Division of Enforcement Case No. 10MED320

The Petition for Summary Suspension of December 1, 2010 was noticed to be presented at 8:20 a.m., or as soon as the matter could be heard, on December 15, 2010. At that time, Attorney Sandra L. Nowack appeared for the Complainant, Department of Regulation and Licensing, Division of Enforcement. Respondent appeared in person and without counsel.

The Wisconsin Medical Examining Board, having considered the sworn December 2, 2010 Petition for Summary Suspension, and the December 3, 2010 Affidavit of Service of Notice of Presentation and Petition for Summary Suspension of Lori Graf, and having heard the arguments of counsel, hereby makes the following:

FINDINGS OF FACT

1. Michael N. Mangold, M.D., Respondent, date of birth January 30, 1957, is licensed and currently registered by the Medical Examining Board (Board) to practice medicine and surgery in the State of Wisconsin, pursuant to license number 32859-20, which was first granted December 19, 1991. Respondent specializes in family practice.
2. Respondent's address of record with the Department of Regulation and Licensing (Department) is Mangold Center for Family Health, 120 N. Main Street Suite 120, West Bend, WI 53095.
3. On December 2, 2010, copies of the December 2, 2010 Notice of Presentation and Petition for Summary Suspension were properly served on Respondent, as required by Wis. Admin. Code § RL 6.05, by mailing them by regular and certified mail to Respondent's last address reported to the Department.
4. On January 24, 2007, the Board issued a Final Decision and Order disciplining Respondent for engaging in conduct in 2002, which tended to constitute a danger to a patient. Respondent failed to properly evaluate an emergency room patient, which resulted in a 3-day delay of treatment of a hemothorax and fractured rib. Respondent was ordered to complete 15 hours of continuing education in the evaluation and treatment of cardiothoracic injuries. Respondent completed the education as ordered.

5. On May 24, 2010, Respondent signed a stipulation to discipline based on his failure to complete the following medical records:

- a. Between October 1, 2006 and December 24, 2006, Respondent failed to complete the medical charts of five patients who had been admitted to the hospital.
- b. Between December 3, 2006 and January 1, 2007, Respondent failed to dictate records for nine patients he saw in the emergency room.
- c. Between November 5, 2006 and January 1, 2007, Respondent dictated but failed to sign records for 40 patients he saw in the emergency room.

6. On June 16, 2010, the Board issued a Final Decision and Order reprimanding the Respondent for his failure to complete medical records. Respondent was ordered to satisfactorily complete the Intensive Course in Medical Record Keeping offered by Case Western Reserve University School of Medicine. Respondent completed the education as ordered and as an unlimited license.

7. In February 2010, Respondent and Mangold Center, S.C. ("Provider") entered into an Independent Contractor Medical Services Agreement ("Agreement") with Vincent C. Lubsey, M.D., S.C. ("Corporation") located in Milwaukee, Wisconsin. The Corporation contracted the Respondent to render medical services at Lubsey Medical Center. The Respondent worked part-time for Mangold Center and part-time for Lubsey Medical Center.

8. The Agreement between the Respondent, Provider and Corporation included, inter alia, the following provisions:

- a. Respondent is required to maintain current licensure in good standing in the State of Wisconsin. The Provider was under a continuing obligation to notify the Corporation if this requirement was not met, even if on a temporary or interim basis.
- b. The Provider was to be compensated \$20.00 for each of the Corporation's patients treated by the Provider or Respondent with a billable progress note. All compensation was to be paid to the Provider on Thursdays of the week following a two-week period, on a bi-weekly basis.
- c. The Agreement was to terminate upon the restriction of Respondent's Wisconsin license as a physician, or upon a finding by the Wisconsin Medical Examining Board that Respondent is guilty of acts of misconduct in the rendering of professional medical services.

9. According to the Corporation's Administrator, KK, the Corporation's providers are expected to complete their progress notes within 24-72 hours of a patient encounter. The Corporation's in house "deadline" is to have a completed chart by the payday after the encounter, which gives providers about two weeks to complete their notes.

10. Shortly after the Respondent began work, Respondent fell behind on completing medical records. The Respondent was paid with the good faith expectation that he would complete his charting as soon as possible.

11. Between March and June 2010, KK had several discussions with the Respondent and his wife in an attempt to discuss ways the Respondent could complete his charts on time.

12. By July 1, 2010, Respondent's incomplete charts were causing serious issues with patients' continuity of care. The Corporation had a backlog of incomplete charts, several of which were over 30-days old. KK sent the Respondent an email explaining that he would be reimbursed in good faith one last time, and then in the future he would be reimbursed only for services documented in complete charts.

13. During the week of July 11, 2010, an office manager reminded the Respondent several times that he needed to complete his charts by July 15, 2010. The office manager offered to help the Respondent if needed. On July 15, KK spoke to the Respondent and his wife about the incomplete charts and disbursed a check on good faith that the Respondent would complete the charts as soon as possible.

14. On July 29, 2010, the Respondent had approximately one and one half weeks of incomplete charts. The Respondent directed an employee of Mangold Center to call the Corporation demanding payment for patients seen, and indicating if he did not receive payment as demanded; Respondent would refuse to see the patients scheduled for that day. The Respondent called Lubsey Medical Center and told Dr. VL that his charts were incomplete because he was unable to log in to the system over the last four days and he was unable to reach IT support and KK. Three unsuccessful log in attempts automatically locks a user out of the system for 24-hours and KK receives email notification of the attempts; KK never received an email regarding the Respondent's unsuccessful log in attempts. Dr. VL authorized one final good faith payment because the Respondent promised to complete the charts by August 1, 2010.

15. On August 26, 2010, KK sent the Respondent an email alerting him that he would not receive a check because his charts were incomplete. The Respondent notified KK that he completed charts for one day of service. KK issued a check for completed charts. Respondent was scheduled to work starting at 1:00 p.m., but at 2:30 p.m., a staff member of Mangold Center called the Corporation and said the Respondent would not be in because his motorcycle broke down. Other staff attended to the patients in Respondent's absence.

16. On August 28, 2010, the Respondent was the only provider scheduled to work, but he called that morning and said he would not be in because he had a sick child.

17. On August 30, 2010, the Respondent emailed the office manager informing her he was on vacation for two weeks effective immediately.

18. As of September 9, 2010, the Respondent had 39 incomplete charts. KK emailed the Respondent about finishing the charts, but the Respondent did not respond.

19. On September 15, 2010 after not hearing from the Respondent, Dr. VL and KK sent the Respondent a termination letter. As of September 24, 2010, the 39 incomplete charts were over 30 days old. Dr. VL and KK attempted to contact the 39 patients to obtain the missing information and to recommend follow-up with another provider.

20. According to KK, the charts the Respondent completed were often rushed through at the last minute and would sometimes be missing the chief complaint, prescription information and review of systems. During one pay-period, one third of the records the Respondent said were completed were found to be inadequately documented and required follow-up.

21. As of November 29, 2010, the Respondent has not paid the costs ordered due on September 14, 2010, by the Medical Examining Board.

22. The Respondent's failure to complete patient medical records causes an immediate risk to patients' continuity of care, continuity of pain management and provider referrals.

23. The Board's Order in Case No. 07MED112, at ¶ 5, provided:

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 ordered...the Respondent's license 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

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 summarily suspend Respondent's license to practice medicine and surgery in the State of Wisconsin, pursuant to Wis. Stats. §§ 227.53(3) and 448.02(4) and Wis. Admin. Code § RL 6.

2. There is probable cause to believe that Respondent violated Wis. Stat. § 448.02(3) and Wis. Admin. Code § Med 10.02(2)(h), by committing unprofessional conduct.

3. It is imperatively required and necessary to suspend Respondent's license to practice medicine and surgery immediately to protect the public health, safety and welfare.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that the license of Michael N. Mangold, M.D., to practice medicine and surgery in the state of Wisconsin be and is summarily suspended until the effective date of a final decision and order issued in the disciplinary proceeding against Respondent, unless otherwise ordered by the Board.

IT IS FURTHER ORDERED that a Notice of Hearing commencing a disciplinary proceeding shall be issued no more than 10 days following the issuance of this Order of Summary Suspension.

IT IS FURTHER ORDERED that Respondent is hereby notified of his right, pursuant to Wis. Admin. Code § RL 6.09, to request a hearing to show cause why this summary suspension order should not be continued and is further notified that any request for a hearing to show cause should be filed with the Wisconsin Medical Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

IT IS FURTHER ORDERED that in the event that Respondent requests a hearing to show cause why the summary suspension should not be continued, that hearing shall be scheduled to be heard on a date within 20 days of receipt by the Board of Respondent's request for hearing, unless Respondent requests or agrees to a later time for the hearing.

Wisconsin Medical Examining Board

By:



A Member of the Board



Date

10MED320/MANGOLD/NOWACK/LG/12-15-10