

# 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  
JOHN C. EGAN, M.D., :  
RESPONDENT. : ORDER 0000660

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[Division of Enforcement Case No. 08 MED 309]

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

John C. Egan, M.D.  
Pediatric Surgeons of Phoenix  
1920 E. Cambridge Ave.  
Suite #201  
Phoenix, AZ 85006-1459

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. John C. Egan, M.D., Respondent, date of birth September 10, 1968, 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 49127-20, which was first granted April 3, 2006.

2. Respondent's last address reported to the Department of Regulation and Licensing is Pediatric Surgeons of Phoenix, 1920 E. Cambridge Ave., Suite #201, Phoenix, AZ 85006-1459.

3. At the time of the events set forth below, Respondent's practice specialty was General Surgery.

4. At the time of the events set out below, Respondent was employed as a physician for the United States Air Force.

5. On June 10, 2003, Patient RR, a 59-year-old female, presented to the Respondent at the San Diego Naval Medical Center (NMC). The Respondent diagnosed Patient RR with chronic diverticulitis. The Respondent provided informed consent for a sigmoidectomy and Patient RR signed with consent.

6. On June 19, 2003, Patient RR was admitted to NMC to undergo a sigmoidectomy. During the procedure, the Respondent felt tension prevented the reanastomosis of the colon to the rectal stump. The Respondent opted to proceed with a total colectomy with ileorectal anastomosis.

7. On July 5, 2003, Patient RR developed back pain after undergoing a cystogram. The pain was treated with celebrex, toradol and valium.

8. On July 6, 2003, Patient RR's Peripherally Inserted Central Catheter (PPIC) was removed and cultured.

9. On July 7, 2003, Patient RR's PPIC culture revealed Methicillin-resistant Staphylococcus aureus (MRSA). Patient RR was started on Vancomycin.

10. On July 9, 2003, a Transcutaneous Electrical Nerve Stimulation (TENS) unit was ordered and a physical therapy consult was placed due to continued back pain with muscle spasms.

11. On July 10, 2003, the physical therapist reported the TENS mildly helped Patient RR's back pain. Additional Celebrex and Valium were ordered.

12. On July 11, 2003, Patient RR developed acute weakness in her lower extremities. The Respondent examined Patient RR and contributed part of the weakness to erratic blood sugars. Patient RR had a significant increase in her creatinine to 3.1 and she developed abdominal distension and bilious emesis requiring replacement of her nasogastric tube and reinitiating of Total Parental Nutrition.

13. By July 14, 2003, Patient RR still complained of back pain and her lower extremity weakness had worsened. The Respondent ordered a neurology consult and MRI. The MRI showed an enhanced posterior epidural space and right paraspinal muscles along C5-T1

consistent with an inflammatory or infectious process. The MRI also revealed multilevel cervical spondylosis with moderate to severe C5-6 stenosis. Neurosurgery believed Patient RR had an epidural abscess that required urgent decompression.

14. On July 16, 2003, Patient RR was taken to the operating room for C6-T1 laminoplasty, decompression of the spinal cord, and drainage of a subacute epidural abscess. Cultures of the abscess revealed MRSA.

15. On July 19, 2003 and July 21, 2003, the Respondent noted improvement in Patient RR's strength.

16. On July 21, 2003, a follow-up MRI revealed satisfactory decompression of the C6-T1 region.

17. On July 25, 2003, Patient RR was noted to have trouble with bowel and bladder sensation.

18. On August 8, 2003, Patient RR was discharged to rehabilitation.

19. On December 3, 2003 at a follow-up appointment, it was noted Patient RR walked six steps with assistance and had some improvement with bowel control. Patient RR still experiences uncontrolled bowel function as well as an inability to void her bladder without self-catheterization.

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

a. Respondent failed to appropriately evaluate the patient's acute onset of post-operative pain with focal neurological deficits and failed to obtain a timely neurosurgical consult as part of that evaluation.

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

a. Respondent's delay in properly evaluating the patient and obtaining a neurosurgical consult in a timely manner created the risk that the patient's condition would not be diagnosed in a timely manner and could worsen.

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

## 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 above in 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 John C. Egan, M.D. is hereby REPRIMANDED.

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

1. John C. Egan, M.D. shall, within twelve (12) months of the date of this Order, obtain four (4) hours of education in the diagnosis and management of acute back pain, including post-surgical back pain.

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. Egan 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 delegee prior to commencement of the programs.

c) Within thirty (30) days following completion of the courses identified in paragraph one above, Dr. Egan 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. Egan.

IT IS FURTHER ORDERED that:


2. Respondent shall within 90 days of this Order pay costs of this proceeding in the amount of fifteen hundred (\$1,500.00) 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. 49127-20) 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

2/16/11  
Date

EGAN/08MED309/STACH/LG/10-12-10