

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
	:	
STEFAN JOSEPH KONASIEWICZ, M.D.,	:	
RESPONDENT.	:	ORDER 0000902

Division of Enforcement Case No. 10MED354

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

Stefan Joseph Konasiewicz, M.D.
1227 Third Street
Corpus Christi, TX 78404

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

Medical Examining Board
Department of Regulation and Licensing
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 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. Stefan Joseph Konasiewicz, M.D. (DOB March 11, 1963), Respondent, is licensed and registered to practice medicine and surgery in the State of Wisconsin pursuant to license number 39355, which was first granted on September 19, 1997.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is South Texas Brain and Spine Center, 1227 Third Street, Corpus Christi, TX 78404.
3. Respondent was certified by the American Board of Neurological Surgery in 2000 and recertified in 2010.

4. Respondent has been licensed to practice medicine and surgery in Minnesota since 1997. On September 11, 2010, based on a stipulation between Respondent and the Minnesota Board's Complaint Review Committee, the Minnesota Board of Medical Practice issued an Order imposing as discipline a Reprimand and conditions and limitations on Respondent's license to practice medicine and surgery in the State of Minnesota.

5. The Minnesota Order was based upon the following facts:

a. In February 2005, Respondent performed a right hemilaminectomy and micordisectomy of the lumbar spine for Patient A. About 12 hours after surgery, Patient A suffered cardiopulmonary arrest and died. A subsequent autopsy revealed an anterior perforation of the lumbar disc, with extension of the perforation into the posterior wall of the aorta, and concluded that Patient A's death was caused by exsanguination from a surgically-induced defect.

b. In July 2007, Respondent performed an anterior cervical discectomy and instrumented fusion of the cervical spine for Patient B. During the procedure, Respondent ordered the anesthesiologist to apply manual traction and placed a template into the surgical site, but noted a "sudden jerk" and movement of the cervical vertebrae. Patient B's postoperative MRI revealed a cord defect in the cervical spine and Patient B was subsequently diagnosed with "persistent cervical quadriplegia."

c. In the fall of 2003, Patient C, presented with a history of chronic back problems and recent numbness on his right thigh. Respondent recommended an epidural steroid injection. On November 21, 2003, Respondent performed an injection utilizing fluoroscopy and Hypaque contrast instead of the Omnipaque contrast he had intended to use. The injection caused muscle spasms, which resulted in fractures of Patient C's L2, L3 and L4 vertebrae. The use of Hypaque dye is contraindicated during an epidural injection.

d. On June 14, 2000, Patient D fell off a ladder on to a landing at work injuring his left hip and buttock. Patient D received conservative treatment with physical therapy. Patient D's back became worse and, in March 2001 Patient D was seen for an evaluation with a neurosurgeon who recommend facet rhizotomy. In June 2001, Patient D was doing well after undergoing rhizotomy. In September of 2002, his pain returned and he received a facet block in May of 2003. In May of 2005, his back injury flared up. On October 7, 2005, Respondent performed facet rhizotomy Phenol injections bilaterally at L3-4, L4-5 and L5-S1. On this same date, Patient D was admitted to St. Luke's Hospital after complaining of numbness in his right leg, being unable to stand on his right leg, and having numbness in the perineal region and in the groin region. Patient D claimed to have suffered a nerve root injury affecting the S5 through S2 dermatomes as a result of the rhizotomy injections performed by Respondent.

6. The Minnesota Order imposed the following limitations and conditions, among others, on Respondent's Minnesota license for a minimum of two years:

a. Respondent is to obtain a supervising physician, specializing in neurological surgery and approved in advance by the Complaint Review Committee, who shall observe Respondent's performance of at least 5 surgeries per quarter, two of which shall be spinal surgeries. The supervising physician shall submit quarterly reports to the Minnesota Board regarding Respondent's overall work performance and progress under the terms of this Stipulation and Order. Respondent is responsible for ensuring timely submission of all required reports.

b. Respondent is to meet on a quarterly basis with a designated Minnesota Board member. It is Respondent's obligation to contact the designated Board member to arrange each of the quarterly meetings. The purpose of the meetings is to review Respondent's progress under the terms of this Stipulation and Order.

c. Within ten days of signing the Stipulation to this Order, Respondent was to provide the Minnesota Board with a list of all hospital and skilled nursing facilities at which Respondent then had medical privileges, a list of all states or countries in which Respondent was licensed or has applied for licensure, and the addresses and telephone numbers of Respondent's residences and all work sites. Within seven days of any change, Respondent is to provide the Board with the new address and telephone information.

d. In the event Respondent resides or practices outside the State of Minnesota, Respondent is to promptly notify the Minnesota Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's suspended, limited, or conditioned license in Minnesota unless Respondent demonstrates that practice in a another state conforms completely with Respondent's Minnesota license to practice medicine.

7. Respondent moved from Minnesota to Texas and began practicing there more than two years before the Minnesota Order was entered. He continues to practice in Texas and his practice there is in complete conformity with the Minnesota Order. Respondent intends to continue to comply with the order for the two year period and then ask that all limitations or conditions be removed from his license.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent by having had disciplinary action taken against his Minnesota license to practice medicine and surgery by the Minnesota Board of Medical Practice has committed unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(q) and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. Respondent, Stefan Joseph Konasiewicz, M.D., is hereby REPRIMANDED for the above conduct.

2. Respondent may practice in Wisconsin if he has provided proof sufficient to this Board that all limitations and conditions have been removed from his Minnesota license, or he has provided:

- a. Proof sufficient to this Board that he obtained a supervising physician, specializing in neurological surgery, who was approved by the Complaint Review Committee of the Minnesota Board and who has observed Respondent's performance of at least 5 surgeries per quarter, two of which were spinal surgeries.
- b. Proof sufficient to this Board that the supervising physician submitted quarterly reports to the Minnesota Board regarding Respondent's overall work performance and progress under the terms of their Stipulation and Order.
- c. Copies of all those quarterly reports to this Board and this Board determines that Respondent can practice his specialty with reasonable safety for patients.

3. Respondent shall, within sixty (60) days from the date of this Order, pay costs of this proceeding in the amount of \$475.00 to the Wisconsin Department of Regulation and Licensing.

4. All requests, reports and payments required by this Order shall be provided 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 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.

MEDICAL EXAMINING BOARD

By: Shaila MDMBA 6/15/11
A Member of the Board Date