

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
KATHERINE M. KAPLAN, M.D.,	:	
RESPONDENT.	:	ORDER 0001278

Division of Enforcement Case No. 10MED393

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

Katherine M. Kaplan, M.D.
c/o Marshfield Clinic
1000 N. Oak Avenue
Marshfield, WI 54449

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Medical Examining Board
Department of Safety and Professional Services
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 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. Katherine M. Kaplan, M.D. ("Respondent"), date of birth January 14, 1956, holds a license to practice medicine and surgery in the State of Wisconsin pursuant to license no. 27911-20. Respondent's license was first granted on June 18, 1986, and her registration to

practice under this license expires October 31, 2011. Respondent is also licensed and currently registered to practice medicine in the state of North Carolina pursuant to license no. 38525.

2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is Marshfield Clinic, 1000 N. Oak Avenue, Marshfield, Wisconsin, 54449.

3. Respondent is certified by the American Board of Obstetrics and Gynecology. Currently, and at all times relevant this matter, Respondent is working as a physician in the Department of Obstetrics and Gynecology at the Marshfield Clinic in Marshfield, Wisconsin.

4. On October 17, 2005, Respondent was the on-call physician at St. Joseph's Hospital Birth Center in Marshfield, Wisconsin. Patient E.F., then 39 years old, presented at 4:40 a.m. complaining of decreased fetal movement over the previous 24 hours. At the time, Patient E.F. was a gestational diabetic and 37 weeks pregnant with her third child. She was scheduled to have her baby delivered via c-section on October 24, 2005.

5. During the morning of October 17, 2005, while under Respondent's care, the following events occurred:

- a. At 4:52 a.m., Patient E.F. was placed on an external fetal heart monitor. Fetal heart tones ("FHT") were heard at this time.
- b. At 4:56 a.m., a bedside ultrasound was performed which showed a small amount of movement and breathing by baby.
- c. At 5:15 a.m., a non-stress test (NST) was performed. Patient E.F. was instructed to indicate whenever she felt baby move.
- d. Patient indicated she felt baby move on three occasions between 5:17 a.m. and 5:54 a.m.
- e. At 5:15 a.m., an audible movement was heard by the nurse. Patient E.F. did not report feeling any movement.
- f. At 6:30 a.m., Respondent discharged Patient E.F. Respondent instructed Patient E.F. to eat breakfast and return for her previously scheduled appointment with her obstetrician, Dr. Meier, at 10:00 a.m. that morning for another NST.

6. In order for a NST to be considered reactive, the fetal heart rate ("FHR") must accelerate to at least 15-20 beats per minute above the baseline heart rate, for at least 15-20 seconds, and occurring at least twice in a 20-minute period. This did not occur while Patient E.F. was under Respondent's care.

7. Respondent believed that while not truly reactive, the FHT was reassuring because there were no decelerations, bradycardias, or sinusoidal patterns, and the bedside ultrasound showed normal amniotic fluid, and small amounts of breathing by baby.

8. On October 17, 2005, Patient E.F. arrived early for her 10:00 a.m. appointment with Dr. Meier. The nurse performed a bedside ultrasound and alerted Dr. Meier that she was unable to locate any fetal heart tones. Dr. Meier reviewed the FHT Patient E.F. brought from Respondent's office and noted the lack of good reactivity. A formal ultrasound was then performed, and it was determined that baby had passed away.

9. The cause of baby's death was not immediately apparent and remains undetermined.

10. On November 30, 2010, the North Carolina Medical Board issued a Public Letter of Concern to Respondent for failing to detect a non-reassuring fetal heart tracing and other signs of fetal compromise. The Public Letter of Concern is public record, but not a disciplinary action against Respondent's license. However, the North Carolina Medical Board ordered Respondent to complete 20 hours of Continuing Medical Education ("CME") courses in the following topics within 12 months (by November 30, 2011):

- a. Fetal Monitoring;
- b. Appropriate Recognition of Potential signs of Fetal Compromise; and
- c. Appropriate Demonstration of Fetal Well-Being.

11. As of September 20, 2011, Respondent completed the 20 hours of CME courses as required by the North Carolina Medical Board, which she will not use to fulfill her Wisconsin biennial education requirements.

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 a limitation, restriction, or other adverse action taken against her license to practice medicine in North Carolina, 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

IT IS HEREBY ORDERED that the attached Stipulation of the parties is accepted.

IT IS FURTHER ORDERED that Katherine M. Kaplan, M.D., is REPRIMANDED for the above conduct.

IT IS FURTHER ORDERED that:

1. The Board recognizes the aforementioned continuing medical education courses as the equivalent of the education the Board would have otherwise required.

2. Respondent shall within 90 days of this Order pay costs of this proceeding in the amount of ONE THOUSAND (\$1,000.00) dollars. Payment shall be made to the Wisconsin Department of Safety and Professional Services, and mailed to:

Department Monitor
Department of Safety and Professional Services
Division of Enforcement
1400 East Washington Ave.
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, the Respondent's license (No. 27911-20) 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.

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

MEDICAL EXAMINING BOARD

By 8/Kailes MD MBA
A Member of the Board

12/14/11
Date