

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**  
 :  
DONALD J. BACCUS, M.D., :  
RESPONDENT. : **ORDER 0001487**

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Division of Enforcement Case #10 MED 254

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

Donald J. Baccus, M.D.  
17280 W. North Ave. Suite 200  
Brookfield, WI 53045

Wisconsin Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Safety and Professional Services  
Division of Enforcement  
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 in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Donald J. Baccus, M.D. (dob 2/11/47) is and was at all times relevant to the facts Set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #21134, first granted on 7/27/77. Respondent is a obstetrician and gynecologist, and is certified by the American Board of Obstetrics and Gynecology.

2. The maternal patient, an 18-year-old P-1 G-0, had come in for late prenatal care at approximately 33 weeks gestation and had been seen on 1 or 2 occasions at the outpatient clinic in which Respondent is a partner, by another doctor. The maternal patient was admitted to the hospital on April 30, 2005, for observation and evaluation, including 24 hour urine collection and

fetal monitoring. At that time, she was thought to be at approximately 36 weeks gestation. On 5/2/05, at 5:30am, the maternal patient had spontaneous rupture of membranes and had been moved to labor and delivery.

3. Due to her toxemia and premature rupture of membranes, the physician then caring for the maternal patient decided to begin augmenting labor by use of oxytocin; magnesium sulfate was also started and an epidural was placed.

4. Respondent assumed care of the maternal patient on 5/2/05 at 5:00pm. The maternal patient's working diagnoses were 1) toxemia of pregnancy with signs and symptoms of high blood pressure, hematuria, edema, proteinuria and headache, and 2) evidence of possible impending fetal distress, completely dilated, in position for delivery.

5. At the time Respondent assumed care, he determined that the maternal patient was making adequate labor progress. At 6:45pm she had dilated to 7cm. At 11:00pm, Respondent examined the maternal patient and found that she was fully dilated; he instructed the nurses that she could begin pushing.

6. At 11:30pm she was at a +2 to +3 station and the top of the baby's head was visible. Respondent observed that the fetal monitoring strips showed evidence of late or variable decelerations.

7. Respondent then attempted to deliver the baby using Simpson-Luikart forceps, over 3 contractions. The forceps slipped on each occasion, they were readjusted but the grip was not adequate and they were removed.

8. Tucker's forceps were then used in an attempt to obtain a better grip. The Tucker's forceps did not achieve good grip so they were removed.

9. Respondent then decided to use a Kiwi vacuum: a single pull delivered the head of the baby without significant effort.

10. A single loop of nuchal cord was easily reduced. Shoulder dystocia was then encountered and the McRoberts maneuver was successfully employed. The baby was delivered without further incident, at 12:10am.

11. The baby was born limp. Apgars at 1 and 5 minutes were 1 and 3. A cord pH was obtained, showing a pH of 6.95. The baby suffered significant and permanent neurological damage, including cerebral palsy.

12. Respondent represents to the Board that he has not engaged in the practice of obstetrics since July, 2005, and does not intend to resume such practice.

CONCLUSIONS OF LAW

A. 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 pursuant to Wis. Stat. § 227.44(5).

B. The conduct described in ¶¶8-9, above, constitutes negligence in treatment in that a cesarean section should have been performed significantly earlier.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Donald J. Baccus, M.D. is REPRIMANDED.

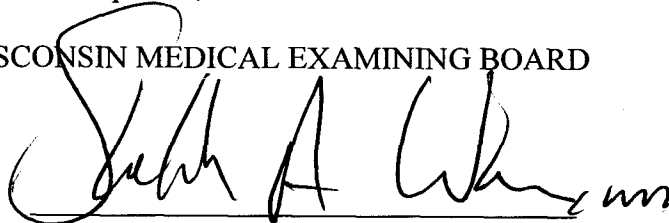
IT IS FURTHER ORDERED, that Respondent shall pay the COSTS of investigating and prosecuting this matter of \$3,850, within 90 days of this Order.

IT IS FURTHER ORDERED, that 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 paid them in full, including any accrued interest.

Dated this April 18, 2012.

WISCONSIN MEDICAL EXAMINING BOARD

by:



a member of the Board

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