

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 |
| PENNY CORNELIUS, P.A., | : | |
| RESPONDENT. | : | |

ORDER 0001488

Division of Enforcement Case No. 11MED123

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

Penny Cornelius, P.A.
2618 Forestville Drive
Green Bay, WI 54604

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 Medical Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Penny Cornelius, P.A., Respondent, date of birth July 12, 1970, is certified to practice as a physician assistant by the Wisconsin Medical Examining Board in the state of Wisconsin pursuant to license number 696-23, which was first granted February 24, 1993.

2. Respondent's address of record with the Department of Safety and Professional Services is 2618 Forestville Drive, Green Bay, Wisconsin 54604.

3. At all times relevant to this action, Respondent was employed by Bellin Health Family Medical Center (Bellin) in Bonduel, Wisconsin as a physician assistant.

4. On December 15, 2003, Patient G.S., a 25 year old male non-smoker, presented to Bellin with an elevated temperature, damp skin, rapid heart rate, rapid respiratory rate, chills, night sweats and a 10 day history of cough and fever. Patient G.S. informed a physician assistant that he was on two antibiotics and a non-prescription cough medication. The physician assistant discontinued the OTC cough medicine and prescribed a cough medicine. He instructed Patient G.S. to continue with his antibiotic regimen and ordered a TB skin test.

5. On December 18, 2003, Patient G.S. returned to Bellin to have his TB test read at which time he also complained of worsening symptoms. On this occasion, he was seen by Respondent who documented that Patient G.S. had an elevated temperature and cough for two weeks, that his fever had increased since the December 15, 2003 visit and that he had diminished breath sounds. Respondent also noted that Patient G.S. coughed throughout his visit and that he reported that his cough intensified when reclined and complained of bilateral lower lung pain. Respondent also noted that that his respiratory rate was 32 which is abnormal.

6. Respondent read Patient G.S.'s TB test as negative and diagnosed "probable pneumonia". Respondent recommended a chest x-ray and CBC, but Patient G.S. refused due to cost. Respondent failed to document in the patient's chart that the chest x-ray and CBC were not done "against medical advice" but did change his antibiotic to Tequin 400 mg daily and advised him to increase fluids. On that date, Respondent did not recommend admission for Patient G.S., did not consult with her supervising physician, and did not request a pulmonary consult.

7. On December 23, 2003, Patient G.S. was admitted to the ICU at Saint Vincent Hospital in Green Bay, Wisconsin where he was ultimately placed on a mechanical ventilator on December 26, 2003. On January 1, 2004, Patient G.S. suffered cardiac arrest and was unable to be resuscitated. The cause of death was acute respiratory distress syndrome from severe diffuse pneumonia due to Blastomycosis.

8. Respondent's conduct in her treatment of Patient G.S. was below the minimum standards for the profession in the following respects: she failed to document in the patient's chart that the chest x-ray and CBC were not done "against medical advice"; failed to recommend admission for Patient G.S.; failed to consult with her supervising physician; and failed to request a pulmonary consult.

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 engaging in any practice or conduct that tends to constitute a danger to the health, welfare, or safety of the patient or public, has committed unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(h), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

IT IS HEREBY ORDERED that:

1. The attached Stipulation of the parties is accepted.
2. Penny Cornelius, P.A., is hereby REPRIMANDED for the above conduct.
3. The license/certificate of Penny Cornelius, P.A., is hereby LIMITED with the following terms and conditions:
 - a. Within four months from the date of this Order, Respondent shall provide proof sufficient to the Board, or its designee, of Respondent's satisfactory complete 4 hours of continuing medical education in the areas of evaluation and treatment of pneumonia and respiratory distress.
 - b. Within 30 days after the course identified above has concluded, Ms. Cornelius shall provide proof sufficient to the Board, or its designee, of satisfactory completion of the courses.
 - c. Ms. Cornelius shall not apply any of the hours of education completed to satisfy the terms of this Order toward the biennial training required under Wis. Stat. § 448.13.
 - d. All costs of the educational program shall be the responsibility of Ms. Cornelius.

IT IS FURTHER ORDERED that:

4. Respondent shall, within 90 days of this Order, pay costs of this proceeding in the amount of FIVE HUNDRED (\$500.00) 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

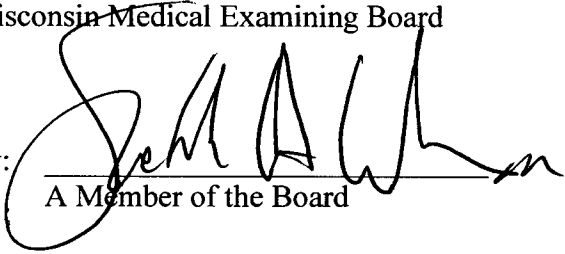
Madison, WI 53708-8935
Telephone: (608) 267-3817
Fax: (608) 266-2264

5. 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 or fails to comply with the ordered continuing education as ordered, the Respondent's license/certificate (No. 696-23) 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 and completion of the continuing education.

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

Wisconsin Medical Examining Board

By:


A Member of the Board

4/18/12
Date