

## 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

MICHAEL A. DEHNER, M.D.,  
RESPONDENT.

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**FINAL DECISION AND ORDER**

**0002835**

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Division of Legal Services and Compliance Case No. 12 MED 449

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

Michael A. Dehner, M.D.  
393 Highway 7  
Alta, IA 51002

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

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Michael A. Dehner, M.D., (dob April 3, 1952), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 40989-20, first issued on April 26, 1999, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 393 Highway 7, Alta, Iowa 51002. Respondent is not certified by any Board recognized by the American Board of Medical Specialties. Respondent is also licensed in Iowa.

2. Respondent was initially issued a limited license by the Board on April 26, 1999, based on his license having been subjected to discipline in Iowa. His license was limited for five years and he was required to participate in a treatment program for substance dependence.

Respondent complied fully with the order, and his unlimited license was issued on April 26, 2004.

3. Respondent was disciplined by the Board in file number 05 MED 146, when on July 19, 2006, he was reprimanded and his license was limited to require 30 continuing medical education (CME) hours in gastroenterology. In that case, Respondent, in 2001, after being advised of the radiographic evidence of a distended stomach and an incomplete mechanical bowel obstruction in an 89 year old patient, failed to consider providing treatment to the patient by inserting a nasogastric tube and failed to advise the patient, the patient's daughter having the health care power of attorney or any member of the patient's family of the option of inserting a nasogastric tube to decompress the patient's stomach and thereby reduce the patient's discomfort and reduce the risk of vomiting and aspiration; and ordered Dulcolax® tablets for the patient when the use of this drug in oral tablet form was contraindicated by the incomplete mechanical small bowel obstruction. He completed the educational requirements, and his unlimited license was restored on October 25, 2006.

4. On February 23, 2008, at 11:34 AM, a nine year-old boy was taken to the ER of a small rural hospital with nausea and vomiting for 4 days with abdominal pain. Respondent examined the patient. He also noted the patient was drinking water "by the gallons," had increased urination frequency, and dry heaves. Lab work showed 4+ ketones, 2+ glucose, sodium of 125 (low), potassium 5.8 (high), chloride 80 (low), CO<sup>2</sup> 7 (extremely low), albumin 5.6 (high) alk-phos 502 (high), BUN 34 (high), creatinine 1.4, and glucose 978.9 (high). Respondent assessed diabetic ketoacidosis and admitted the patient, who had not been previously diagnosed with diabetes. Respondent ordered IV insulin drip, 6 µg per hour, and electrolytes.

5. At 14:25, Respondent was notified that the nurses had been unable to place the IV line, and he ordered that it be placed in the patient's foot. This was accomplished without further difficulty, but Respondent's orders for administration of IV insulin and electrolytes were not implemented until this time. The patient received electrolytes and insulin over the next several hours, and his glucose levels improved.

6. At 19:40, the Nurses' Record showed: "Has started seizure-like activity where he'll stiffen up for approx 10-20 sec then relax, along with Kussmaul respiratory pattern. Also incontinent at intervals and small emesis of [illegible] pinkish opaque liquid which comes out through nose at times. O<sub>2</sub> to 80's when stiffens up but back up to 95-100% when relaxed. Does not respond to verbal stimuli. Dr. Dehner made aware. Orders received and instituted." Respondent ordered a number of medications, but did not order the patient transferred.

7. Respondent examined the patient at 20:30, and noted that the patient was not responsive with BP 110/70, pulse 150, T 98.5 ap, clear lungs, Kussmaul breathing, Na 142, Cl 103, and venous PH 7.18. He assessed DKA - coma. He ordered further medications and tests, but did not order the patient transferred.

8. Over the next several hours, the patient did not regain consciousness, and experienced a fever of 105° rectal at 23:30, 104° rectal at 00:10 (February 24, 2008), 105° rectal at 03:10, and 104.5° rectal at 06:30, despite repeated administration of acetaminophen and aspirin suppositories.

9. At 07:15, Respondent noted patient was not changed, fever persists, BP 110/70, P 160, localized pain, heart RRR, lungs clear, Na+ 165, Cl 134, Phos 2.5, K+ 4.1, glucose 121. He planned to consult Peds, transfer to UW, and head CT. The head CT without contrast showed the following conclusion: "Nonhemorrhagic right lacunar infarct and nonhemorrhagic thalamic infarct duration undetermined."

10. The patient was transferred to a tertiary care facility at 10:45 AM, where he was diagnosed with extensive bilateral infarcts involving the basal ganglia, thalamus, splenium, parietal and temporal lobes thought to be secondary to severe dehydration, hypernatremia, and possible diabetes insipidus. After a 2-week period had elapsed and there was no improvement in the patient's neurologic outcome nor was there improvement in the patient's MRI demonstrating bilateral infarcts, life support was removed and the patient was allowed to expire.

11. The Board did not learn of this case until January 26, 2013.

12. Respondent was disciplined by the Board in file number 07 MED 300, when on August 20, 2008, his license was limited to require that he complete 30 CME hours in obstetrics with an emphasis on obstetrical emergencies, observe a professional mentor for 40 hours of obstetrical practice, have an assisting physician present at all deliveries while the Order is in effect, and present 16 obstetrical cases for review. In that case, Respondent failed to recognize and properly manage a placental abruption. Respondent successfully completed the educational requirement on August 30, 2008, but has not presented all 16 obstetrical cases for review, due to a change in his employment.

13. Respondent was again disciplined by the Board in file number 09 MED 028. On May 19, 2010, an interim order was entered requiring him to undergo a comprehensive clinical performance assessment. Respondent underwent the assessment, and recommendations were made which resulted in a February 15, 2012, Final Decision and Order which limited his license to require 17.5 CME credits in medical record keeping with chart reviews three and six months post, and a comprehensive week long board review course in family medicine. In that case, Respondent failed to diagnose gallstones. Respondent completed the week long board review course in family medicine, and the didactic portion of the medical record keeping course, but has been unable to complete the post reviews, because of a change in his employment.

14. Respondent is presently employed doing risk assessment physical exams for an insurance company as an independent contractor.

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

2. By the conduct described in the above Findings of Fact, Respondent Michael A. Dehner, M.D., violated Wis. Admin. Code § Med 10.02(2)(h) by failing to transfer the patient in a timely manner.

3. As a result of the above conduct, Michael A. Dehner, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Michael A. Dehner, M.D., is REPRIMANDED.

3. In view of the results of the comprehensive clinical performance assessment and resulting education, conducted after the February 2008 incident which is the subject of this investigation, the Board finds that no further educational intervention is warranted at this time.

4. The medicine and surgery license issued to Michael A. Dehner, M.D., (license number 40989-20) is LIMITED as follows:

- a. Respondent shall practice only in a work setting pre-approved by the Board or its designee, which shall not include solo practice. Approval of a work setting shall not be unreasonably withheld, but a work setting shall ensure that Respondent's practice is subject to meaningful peer review, both formal and informal. His present employment, as described in paragraph 13 of the Finding of Facts, above, is approved.
- b. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

5. Within 120 days from the date of this Order, Michael A. Dehner, M.D., shall pay COSTS of this matter in the amount of \$1,250.00.

6. Proof of payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

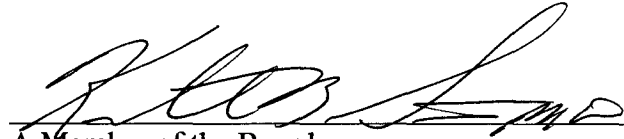
7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered, Respondent's license (no. 40989-20) 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.

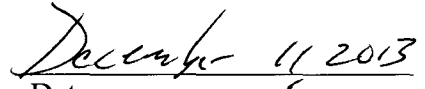
8. This Order is effective on the date of its signing. All previous orders of the Board shall remain in full force and effect.

WISCONSIN MEDICAL EXAMINING BOARD

by:

akt

  
A Member of the Board

  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MICHAEL A. DEHNER, M.D.,  
RESPONDENT.

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**STIPULATION**

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Division of Legal Services and Compliance Case No. 12 MED 449

Respondent Michael A. Dehner, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.


5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Michael A. Dehner, M.D., Respondent  
393 Highway 7  
Alta, IA 51002  
License no. 40989-20

11/19/13  
Date

  
Arthur Thexton, Prosecuting Attorney  
Division of Legal Services and Compliance  
P.O. Box 8935  
Madison, WI 53708-8935

11/21/13  
Date