

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DON E. BRECKBILL, M.D.,
RESPONDENT.

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FINAL DECISION AND ORDER

0002839

Division of Legal Services and Compliance Case No. 12 MED 455

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

Don E. Breckbill, M.D.
408 Oak Street
Stoughton, WI 53589

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 Don E. Breckbill, M.D., (dob July 22, 1960), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 36168-20, first issued on December 2, 1994, 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 408 Oak Street, Stoughton, Wisconsin 53589.

2. On Friday, November 23, 2012, Patient A, a 53 year old man, presented to Urgent Care complaining of nausea, diarrhea and fever starting two weeks prior and right lower quadrant pain for 2 days. Blood work showed an elevated white blood cell count of 27.7, but was otherwise normal. Patient A's urinalysis showed protein 1+, blood 1+, and a white blood

cell count of 5 to 10. Patient A was advised before discharge to stay hydrated, eat as tolerated, and go to an emergency room if symptoms worsened over the weekend. Respondent was consulted by the examining PA, following which the patient was offered antibiotics for a suspected urinary tract infection. The patient declined, stating he wished to await the urine culture and stool test results. A follow-up appointment was scheduled for November 27, 2012.

3. Respondent failed to order a CT scan, based on the laboratory and clinical findings.

4. Patient A actually had a perforated duodenal ulcer, and died of sepsis on November 25, 2012. The Board finds that this condition, while unusual, should have been ruled out, under the circumstances.

5. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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 Findings of Fact, Respondent Don E. Breckbill, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(h) by engaging in practice or conduct which tends to constitute a danger to the health, welfare, or safety of patient or public.

3. As a result of the above conduct, Don E. Breckbill, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Don E. Breckbill, M.D., is REPRIMANDED.

3. Within 90 days from the date of this Order, Don E. Breckbill, M.D., shall pay COSTS of this matter in the amount of \$750.

4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

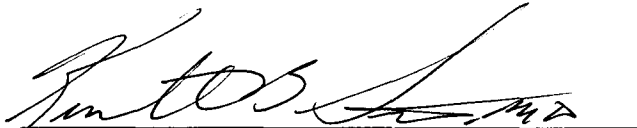
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 costs as ordered, Respondent's license (no. 36168-20) 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.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:


A Member of the Board

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December 11, 2013

Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DON E. BRECKBILL, M.D.,
RESPONDENT.

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:

STIPULATION

0002839

Division of Legal Services and Compliance Case No. 12 MED 455

Respondent Don E. Breckbill, 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. Respondent is represented by Carley Peich Kiesling of Corneille Law Group, LLC.

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 or Respondent's attorney, 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.

Don E. Breckbill MD
Don E. Breckbill, M.D., Respondent
408 Oak Street
Stoughton, WI 53589
License no. 804-23

11/16/13
Date

Carley Peich Kiesling
Carley Peich Kiesling, Attorney for Respondent
Corneille Law Group LLC
7618 Westward Way, Suite 100
Madison WI 53717

11/18/13
Date

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

11/18/13
Date