

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

MICHAEL D. PLOOSTER, M.D.,
RESPONDENT.

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FINAL DECISION AND ORDER

0002952

Division of Legal Services and Compliance Case No. 11 MED 294

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

Michael D. Plooster, M.D.
Orthopaedic Specialists
635 15th Street
Baraboo, WI 53913

Wisconsin Medical Examining Board
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 7190
Madison, WI 53707-7190

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 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 D. Plooster, M.D., (dob November 19, 1951), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 24021-20, first issued on July 2, 1981 with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services is 635 15th Street, Baraboo, Wisconsin 53913.

2. Respondent is board certified in orthopedic surgery.

3. On June 26, 2011, Patient A, a 57 year old male, presented to the Reedsburg Area Medical Center Emergency Room (ER) for treatment of a table saw laceration to his right index finger. The ER doctor ordered an x-ray of the right hand, cleaned the wound with a saline irrigation and closed the wound with four interrupted sutures of 4-0 Prolene in the inner layer and with two corner stitches and twenty-two interrupted sutures in the outer layer. The x-ray showed a "nondisplaced proximal phalanx fracture." The ER doctor consulted Respondent by phone. Respondent told the ER physician to prescribe Patient A Keflex 500 mg 2 p.o. now and then orally four times a day as well as hydrocodone 5/500 mg every 4 to 6 hours as needed for pain. The ER doctor instructed Patient A to watch for any signs of infection and to follow-up with Respondent in one to two days.

4. The following day, on June 27, 2011, Patient A presented to Respondent at Orthopaedic Specialists in Baraboo, Wisconsin for evaluation. Respondent conducted a physical examination of Patient A and documented the following:

. . . a large 90 degree angulated laceration over the radial aspect of the index finger near the MP joint. There is some swelling which extends along the second metacarpal down to his carpis. He has good sensation in the fingertip, but has blunted sensation over the dorsum of the finger where the laceration transcends. The wound looks tidy and reasonable. There does not appear to be any infection or complication.

Respondent also noted in the record that Patient A's x-ray showed that he had ground off a portion of the cortex, but that he did not have a fracture. Respondent instructed Patient A to keep his hand elevated, soak his hand, and to return the following week for suture removal. Respondent prescribed 90 oxycodone 5 mg q 6 hrs for pain.

5. On June 29, 2011, Patient A presented to Respondent with complaints of persistent pain and swelling in the right hand. Patient A was accompanied by both his wife and son in the exam room. Respondent examined Patient A's hand and documented the following:

. . . suture line looks good. There is no drainage. There is no fluctuance to suggest seroma or infection. He does have redness, but most likely due to the hematoma which formed after the fracture and that extends on the volar and dorsal hand. His flexor tendons do not show evidence of tenosynovitis or deep space infection. The redness and type of redness do not really raise a high index of suspicion for infection. He has been on antibiotics since the injury. I again tried to reassure him that this is probably normal and it is not unusual after having a saw tear through his flesh into his bone that he is going to have pain which is moderate. He was to continue same treatment plan and come back in 2 weeks for follow-up...

When Patient A continued to express his concerns regarding the pain and swelling, Respondent responded to Patient A in a manner that Patient A found to be derogatory and demeaning. Patient A's wife expressed her concern regarding infection, to which Respondent replied that Patient A's swelling and pain were consistent with the type of injury Patient A experienced. Following this encounter, Patient A felt discouraged from having further contact with Respondent.

6. The night of June 29, 2011, Patient A's pain increased in his right hand. Pressure from the swelling pushed pus up through the stitches and seemed to relieve some pain.

7. The following morning, on June 30, 2011, Patient A presented to a physician at Lands End Clinic in Dodgeville, Wisconsin. The physician's assessment indicated Patient A's hand had "worsening cellulitis despite antibiotic therapy." He suggested Patient A go back to the emergency room and be reevaluated by a second orthopedic surgeon on staff for a second opinion. The physician explained to Patient A that he may need incision drainage and/or intravenous antibiotics with culture.

8. Later that day, Patient A presented to another orthopedic surgeon, for a second opinion. That orthopedic surgeon diagnosed a wound infection status post laceration and repair and informed Patient A that the tendon was 95% severed for which he would need later surgery. Patient A was then taken to the operating room for debridement and drainage of the right hand.

9. Although Respondent's examination and treatment of Patient A and his clinical judgment were within the standard of care, Respondent's failure to appropriately listen and communicate with Patient A constituted unprofessional conduct.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3) and is authorized to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct, as set forth in the above Findings of Fact, constitutes unprofessional conduct as defined in Wis. Admin. Code § MED 10.02(2)(h) and Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent, Michael D. Plooster, M.D., is REPRIMANDED.

3. Within 30 days of the date of this Order, Michael D. Plooster, M.D., shall begin skills acquisition therapy with an approved therapist. The therapy shall be at Respondent's expense, by a therapist approved by the Board or its designee, to address the specific treatment goals of skills acquisition in interacting with patients.

4. Respondent shall work with the therapist for at least three to four times a month for the first six months or as directed by the therapist, and then at least once a month or as directed by the therapist until the therapist notifies the Board that Respondent has met the goals of therapy. The psychotherapist shall provide quarterly reports to the Department monitor.

5. Within 90 days of the date of this Order, Michael D. Plooster, M.D., shall pay COSTS of this matter in the amount of \$6,400.00.

6. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be mailed, faxed or delivered by Respondent to the Department Monitor at the address below:

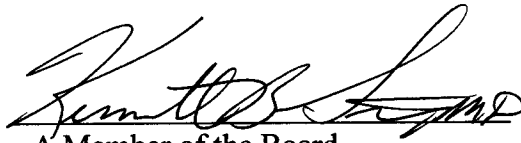
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817, Fax (608) 266-2264

7. Violation of any of the terms of this Order may be construed as unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(b) or 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 or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 20-24021) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and completion of the education.

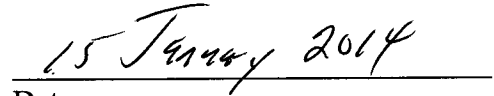
8. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By:


A Member of the Board

Date



STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MICHAEL D. PLOOSTER, M.D.,
RESPONDENT.

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STIPULATION

0002952

Division of Legal Services and Compliance¹ Case No. 11 MED 294

Respondent Michael D. Plooster, 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 full and final resolution of all matters known to the Division of Legal Services and Compliance as of the date of the signing of this Stipulation. Without admitting or denying the specific factual bases for the attached Final Decision and Order, 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 Attorney Hal Harlowe, Murphy Desmond, S.C.

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

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

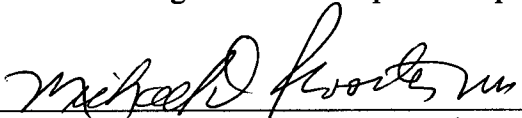
consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

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.

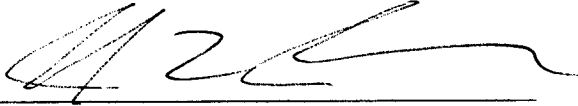
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



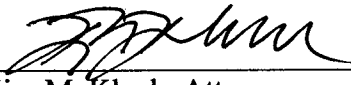
Michael D. Plooster, M.D., Respondent
635 15th Street
Baraboo, WI 53913
License no. 24021-20

12-23-2013
Date



Hal Harlowe, Attorney for Respondent
33 East Main Street, Suite 500
P.O. Box 2038
Madison, WI 53701-2038

12-23-2013
Date



Kim M. Kluck, Attorney
Division of Legal Services and Compliance
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Madison, WI 53708-8935

1/6/14
Date