

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
: FINAL DECISION AND ORDER
JOHN W.P. HORAN, M.D., : FOR REMEDIAL EDUCATION
RESPONDENT. :
: **0003342**

Division of Legal Services and Compliance Case No. 13 MED 262

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

John W.P. Horan, M.D.
310 Jefferson Avenue
Omro, WI 54963

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
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 disposition of this matter, subject to the approval of the Wisconsin 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 John W.P. Horan, MD, (dob 06-03-1964), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 50382 - 20, first issued on 05-17-2007, with registration current through 10-31-2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 310 Jefferson Ave., Omro, WI 54963. At all times relevant to this proceeding, Respondent was working as a physician in a medical hospital located in La Crosse, Wisconsin.

2. On or about November 26, 2012, Respondent is alleged to have used the wrong size parts when performing a left hip arthroplasty (commonly referred to as a “hip replacement surgery”) on Patient A.

3. On February 5, 2013, Respondent took an x-ray of Patient A’s hip following her various pain complaints. In reviewing the x-ray, Respondent noted “X-ray examination shows good position of the components with no evidence of loosening.”

4. On February 28, 2013, Patient A was seen by another medical doctor with complaints that the hip was painful, shorter and felt unstable. The subsequent treating physician noted upon review of the February 5, 2013 x-ray that there was a “2 cm shortening in left hip with evidence of gross loosening.”

5. On April 2, 2013, Patient A underwent a second surgery, a left hip revision.

6. Respondent John W.P. Horan, M.D., failed to recognize and communicate to the patient the findings evidenced in the February 5, 2013 post-operative x-ray.

7. In resolution of this matter, Respondent John W.P. Horan, M.D., consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Within 6 months of the date of this Order, John W.P. Horan, M.D., shall at Respondent’s own expense take and successfully complete ten [10] hours of remedial education: six (6) credits related to performing arthroplasty and four (4) credits related to interpretation and principles of radiography:

- a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Respondent shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required pre-approval from the Board or its designee. Respondent must take and pass any exam offered for the course(s).
- b. Within thirty (30) days of successful completion of the remedial education, Respondent shall submit proof of successful completion of the education in the form of verification from the institution or entity providing the education to the Department Monitor at the address stated below.

c. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

3. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$678.99.

4. Respondent shall send requests for approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) 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
DSPSMonitoring@wisconsin.gov

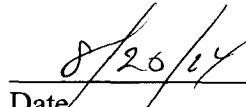
5. Violation of any of the terms of this Order, including failure to complete the remedial education or pay costs as Ordered, may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 50382-20) 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 and completion of the education.

6. 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

JOHN W. P. HORAN, M.D.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0003342

Division of Legal Services and Compliance Case No. 13 MED 262

Respondent John W.P. Horan, 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.

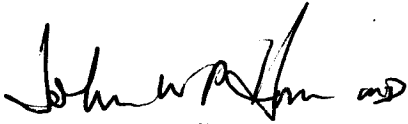
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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 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.

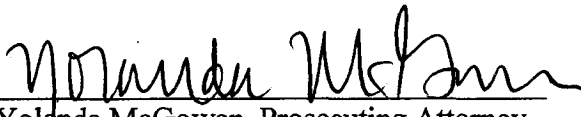
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



John P. Horan, M.D., Respondent
310 Jefferson Avenue
Omro, WI 54963
License no. 50382-20

2/10/14

Date



Yolanda McGowan, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

7/14/14

Date