

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

ROBERT C. CATES, M.D.,
RESPONDENT.

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FINAL DECISION AND ORDER

0003562

Division of Legal Services and Compliance Case No. 14 MED 072

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

Robert C. Cates, M.D.
Monroe Clinic-Brodhead Branch
1904 1st Center Ave.
Brodhead, WI 53520

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 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 Robert C. Cates, M.D., (dob May 23, 1960), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 30653-20, first issued on August 24, 1989, 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 Monroe Clinic-Brodhead Branch, 1904 1st Center Avenue, Brodhead, Wisconsin 53520. Respondent is board certified in family medicine by the American Board of Family Medicine.

2. On February 20, 2009, Patient A, a 48 year-old male, presented to Respondent for a routine physical exam. Patient A was known to Respondent, but had not been seen by him for a long time, and thus was considered a new patient.

3. Respondent charted Patient A's history to include: bipolar disease; depression; elevated cholesterol; erectile dysfunction; obesity (BMI of 32.73); migraine headaches; and alopecia, for which Patient A was taking Propecia 1mg (daily). Respondent administered a TB test, but otherwise ordered no testing and no diabetes risks or labs were noted.

4. Respondent's assessment included an elevated cholesterol history and obesity, and his recommended plan for those conditions was regular exercise and a low fat diet. Respondent ordered Patient A to return in a month "to recheck his cholesterol with a fasting lab." Respondent continued the Propecia, and added Lithobid 300mg (bid) and Viagra 100mg (prn).

5. There are no records indicating that Patient A returned to recheck his cholesterol with a fasting lab, as ordered.

6. Respondent next saw Patient A on March 22, 2010, for a recheck of bipolar disease and erectile dysfunction, elevated cholesterol testing, and to renew medications. Patient A requested a sleep study, complained that Viagra gave him migraines, and reported sciatic discomfort which was improving with massage. Respondent performed a physical exam and systems review, and ordered labs, the results of which included:

- a. TSH was 4.88 (high) with range 0.47 – 4.68
- b. Lipid Panel with cholesterol was 269 (high) with range 100-199
- c. C/HDL risk factor was 8.97 (high) with range 0 – 4.88
- d. Triglycerides were 2862 (high) with range 0 -149

7. Respondent's charting does not reference diabetes risk and no glucose testing or A1C labs were ordered. Respondent added Tricor 145mg (daily) to address Patient A's severe hypertriglyceridemia.

8. Respondent next saw Patient A on April 7, 2010, for complaints of burning bilateral sciatica pain, mouth canker sores, and vomiting for 3-4 days. Patient A reported a dry, sore mouth for a week, bilateral sciatic discomfort with pain into his legs, anxiety, and poor sleep. Patient A's blood pressure was 166/110. Respondent's assessment was anxiety, insomnia, sciatic discomfort, and oral thrush. Respondent prescribed Xanax .5mg (bid), Nystatin (QID for 10 days), and replaced Viagra with Levitra 10mg (prn).

9. On April 9, 2010, a family member found Patient A dead in his home. An autopsy concluded that "decedent's cause of death is attributed to an acute diabetic ketoacidosis with features of renal failure and acute pancreatitis. There is a marked, apparently reactive hypertriglyceridemia. This is manifested by gross observation of lipid at autopsy as well as the antemortem tests results."

10. Respondent failed to consider that Patient A may have been diabetic and consequently failed to test or otherwise explore the possibility that Patient A's history and presentation, including his 3/22/10 lab results, might be related to undiagnosed and thus untreated diabetes.

11. In light of Patient A's history and presentation, Respondent should have ordered glucose or A1C testing on or before 3/22/10. In this regard, Respondent's care of Patient A fell below the standard of minimal competence.

12. Respondent should have ordered glucose or A1C testing immediately upon learning of the 3/22/10 lab results. In this regard, Respondent's care of Patient A fell below the standard of minimal competence.

13. The conduct described above created the unacceptable risk that Patient A would suffer adverse health consequences, up to and including death.

14. 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).

Note: All references to Wis. Admin. Code § Med 10.02(2) refer to the Code as it existed before October 1, 2013.

2. By the conduct described in the Findings of Fact, Respondent Robert C. Cates, M.D., violated Wis. Admin. Code § Med 10.02(2)(h) by engaging in a practice which tends to constitute a danger to the health, welfare, or safety of patient or public.

3. As a result of the above conduct, Robert C. Cates, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Robert C. Cates, M.D., is REPRIMANDED.

3. The medicine and surgery license issued to Robert C. Cates, M.D., (license number 30653-20) is LIMITED as follows:

a. Within nine (9) months of the date of this Order, Respondent shall successfully complete eight (8) hours of education on the topic of managing diabetes and diabetic ketoacidosis.

- b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course(s) descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Wisconsin Medical Examining Board, or its designee, prior to commencement of the course(s).
 - c. The Board or its designee may reject any course(s) and may accept a course(s) for less than the number of hours for which Respondent seeks approval.
 - d. Within thirty (30) days of completion of each educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that he has attended, in its entirety, the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.
 - e. Respondent is responsible for all costs associated with compliance with this educational requirement.
 - f. 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.
4. Within 90 days from the date of this Order, Robert C. Cates, M.D., shall pay COSTS of this matter in the amount of \$729.62.
5. Proof of successful course completion and 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. 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 or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 30653-20) 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.

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

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board

Nov 19, 2014
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT C. CATES, M.D.,
RESPONDENT.

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STIPULATION

0003562

Division of Legal Services and Compliance Case No. 14 MED 072

Respondent Robert C. Cates, 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.

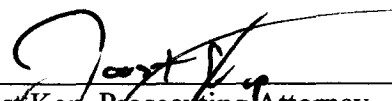
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Robert C. Cates, M.D., Respondent
Monroe Clinic-Brodhead Branch
1904 1st Center Ave
Brodhead, WI 53520
License no. 30653-20

10/22/14

Date



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

10/27/14

Date