

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
BARBARA J. O'CONNELL, M.D., :
RESPONDENT. :

0004246

Division of Legal Services and Compliance Case No. 13 MED 385

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

Barbara J. O'Connell, M.D.
7677 Moraine Ridge Road
Verona, WI 53593

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 Barbara J. O'Connell, M.D. (dob March 12, 1958), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 28039-20, first issued on October 24, 1986, 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 7677 Moraine Ridge Road, Verona, Wisconsin 53593. Respondent is certified by the American Board of Obstetrics and Gynecology.

2. In September 2013, the Department received a report pursuant to Wis. Stat. § 448.115(1)(a) that there was reasonable suspicion that Respondent had engaged in acts which constituted a pattern of unprofessional conduct as defined by Wis. Admin. Code ch. Med 10

related to surgical removal of labia polyps by the Respondent between November 2012 and April 2013.

Patient A

3. On September 25, 2012, Respondent saw Patient A, a minor, following referral by the patient's pediatrician. Patient A was referred for a tight hymenal band and difficulty with tampon insertion and was accompanied by her mother to the clinic visit. Respondent did not perform a pelvic examination of Patient A and recommended examination under anesthesia due to Patient A's age and fear of examination.

4. On November 20, 2012, Respondent performed surgery on Patient A which included excision of hymenal band and excision of bilateral labia minora polyps.

5. Respondent saw Patient A at bedside prior to surgery and charted that there was no interval change in exam. Respondent failed to specify in her charting that she was referring to the general preoperative physical exam and not a pelvic examination of the patient performed by Respondent.

6. Respondent first discovered bilateral labia minora polyps on Patient A during Respondent's surgical procedure.

7. Tissue from the labia measuring 3 x 0.8 x 0.5 and 4 x 1.2 x 0.5 cm was removed from Patient A.

8. Prior to the surgical procedure performed by Respondent, Patient A and her mother consented to the exam under anesthesia and excision of hymenal band. No separate consent was obtained for removal of labia tissue and labia minora polyps on Patient A. The consent form signed by Patient A and her mother contained the following standard language:

... Before during and/or after the above listed procedure, I may develop new or unexpected conditions that require additional procedures and/or tests. I give permission to the named physician with his/her assistants and hospital staff to perform additional procedures or tests as they think necessary.

Patient B

9. On February 4, 2013, Patient B, a minor, was evaluated for left lower quadrant pain and pelvic mass in a local emergency room and was referred to Respondent. CT scan performed on Patient B confirmed an ovarian cyst. Respondent performed an ultrasound which also confirmed an ovarian cyst.

10. On February 5, 2013, Respondent performed laparoscopic surgery on Patient B which included ovarian cystectomy, appendectomy and excision of bilateral labia minora polyps.

11. Respondent saw Patient B at bedside prior to surgery and charted that there was no interval change in exam. Respondent failed to specify in her charting that she was referring to

the general preoperative physical exam and not a pelvic examination of the patient performed by Respondent.

12. Respondent first discovered large labia polyps on Patient B during Respondent's surgical procedure.

13. Tissue from the labia measuring 4 x 3.5 x 0.5 cm was removed from Patient B.

14. Prior to the surgical procedure performed by Respondent, Patient B and her mother consented to laparoscopy, excision of right ovarian cyst, and possible appendectomy to be performed. Respondent obtained permission for removal of the polyps intraoperatively from the minor patient's parents by telephone without leaving the procedure room.

15. 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 Barbara J. O'Connell, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(u) (Nov. 2002) by failing to inform a patient about the availability of all alternate, viable medical modes of treatment and about the benefits and risks of these treatments.

3. By the conduct described Findings of Fact, Respondent Barbara J. O'Connell, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(za) (Nov. 2002) by failing to maintain patient health care records consistent with the requirements of ch. Med 21.

4. As a result of the above conduct, Barbara J. O'Connell, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Barbara J. O'Connell, M.D., is REPRIMANDED.

3. Within 90 days from the date of this Order, Barbara J. O'Connell, shall pay COSTS of this matter in the amount of \$4,921.20.

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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

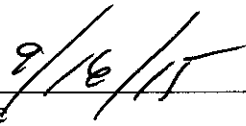
5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline 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. 28039-20) 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


Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

BARBARA J. O'CONNELL, M.D.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

0004246

Division of Legal Services and Compliance Case No. 13 MED 385

Respondent Barbara J. O'Connell, 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 Attorney Maureen Molony.


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.

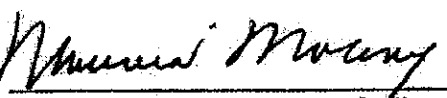
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



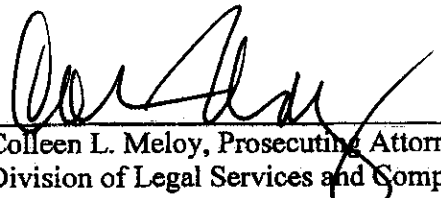
Barbara J. O'Connell, M.D., Respondent
7677 Moraine Ridge Road
Verona, WI 53593
License no. 28039-20

9-04-2015
Date



Maureen Molony, Attorney for Respondent
Von Briesen & Roper, S.C.
3 S. Pinckney Street, Suite 1000
Madison, WI 53703

September 4, 2015
Date



Colleen L. Meloy, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

September 4, 2015
Date