

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 :
 : FINAL DECISION AND ORDER
DAVID J. ENGSTRAND, M.D., :
RESPONDENT. :
 : 0004606

Division of Legal Services and Compliance Case No. 15 MED 268

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

David J. Engstrand, M.D.
17000 W. North Ave., Ste 107W
Brookfield, WI 53005

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 David J. Engstrand, M.D. (dob October 22, 1954), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 24508-20, first issued on July 01, 1982, with registration current through October 31, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 17000 West North Avenue, Suite 107W, Brookfield, Wisconsin 53005. Respondent is board certified by the American Board of Surgery.

2. At all times relevant to this proceeding, Respondent was employed as a physician at a health care facility (Facility) located in Brookfield, Wisconsin.

3. On January 20, 2007, a facility nurse questioned Respondent's medication order for Patient A. Respondent verbally confronted and yelled at the nurse via telephone stating that his orders should not be questioned. Upon Respondent's arrival to the facility, the nurse informed Respondent that she administered half the medication dosage he ordered. Respondent yelled at the nurse regarding the change. Other staff had to close patients' doors due to Respondent's outburst.

4. The facility conducted an investigation after the nurse filed a formal complaint with the facility regarding the incident.

5. On February 5, 2007, the facility issued a warning letter to Respondent for the disruptive behavior of public confrontation and display of anger at the nurse noting that the incident reflected a recurrent pattern of loud interactions with nursing personnel.

6. On February 12, 2013, Respondent performed laparoscopic bilateral inguinal hernia on Patient B, a male patient. Personnel present in the operating room during the surgery reported to the facility that Respondent acted as follows:

- a. Respondent displayed frustration as the surgery progressed due to extensive adhesions, difficult visualization, and loss of abdominal pressure;
- b. Respondent hit Patient B in the abdomen with his hand; and
- c. Respondent disputes these events.

7. On April 9, 2015, Respondent performed a laparoscopic ventral incisional hernia repair on Patient C, a female patient. Personnel present in the operating room during the surgery reported to the facility that Respondent acted as follows:

- a. When a non-radiopaque screw was lost within Patient C's abdomen, Respondent yelled at the staff for lack of focus;
- b. Respondent began searching the abdomen and had difficulty locating the screw; and
- c. Respondent hit Patient C in the abdomen with his hand.

8. The facility issued an educational letter to Respondent following the incident noting that Respondent's behavior would not be tolerated in the future.

9. Between January 1, 2016 and February 16, 2016, Respondent successfully completed 15.75 AMA PRA Category 1 credit of an Intensive Course in Medical Ethics and Boundaries from Case Western Reserve University School of Medicine.

10. 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 David J. Engstrand, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(h) (Oct. 2013) by engaging in repeated or significant disruptive behavior or interaction with hospital personnel that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered.

3. As a result of the above conduct, David J. Engstrand, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent David J. Engstrand, M.D., is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, David J. Engstrand, M.D., shall pay COSTS of this matter in the amount of \$1,483.00.

4. 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:

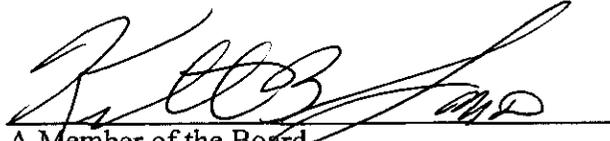
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 24508-20) 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

3/16/2014
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DAVID J. ENGSTRAND, M.D.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004606

Division of Legal Services and Compliance Case No. 15 MED 268

Respondent David J. Engstrand, 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 Mark E. Larson from Gutglass Erickson Bonville & Larson, 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 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.



David J. Engstrand, M.D., Respondent
17000 W. North Ave., Ste 107W
Brookfield, WI 53005
License no. 24508-20

3/7/16

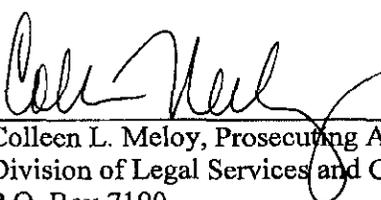
Date



Mark E. Larson, Attorney for Respondent
Gutglass Erickson Bonville & Larson, S.C.
735 N Water Street, Ste 1400
Milwaukee, WI 53202

3/4/16

Date



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

3/7/16

Date