

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
DAVID L. OLSON, M.D., : FINAL DECISION AND ORDER  
RESPONDENT. :

**0004976**

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Division of Legal Services and Compliance Case No. 15 MED 177

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

David L. Olson, M.D.  
Milwaukee Radiologists, Ltd., S.C.  
P.O. Box 20859  
Milwaukee, WI 53220-0859

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 L. Olson, M.D., (DOB May 23, 1953) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 23834-20, first issued on July 1, 1981, 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 Milwaukee Radiologists, Ltd., S.C., Post Office Box 20859, Milwaukee, Wisconsin 53220-0859.
2. Respondent is certified in diagnostic radiology by the American Board of Radiology.

3. On March 6, 2015, Patient A, a female born in 1947, had a right subclavian mediport (mediport) placed as a means of long term IV access for palliative chemotherapy by a surgeon.

4. On March 6, 2015, Respondent interpreted a single view chest x-ray on Patient A. The purpose of the radiological examination was, among other things, to confirm intravenous placement of the mediport.

5. Respondent's findings and impression of Patient A's March 6, 2015 chest x-ray indicate that the tip of the port was at the confluence of the innominate veins.

6. On April 1, 2015, an additional chest x-ray was taken due to concern for malposition of the mediport. The chest x-ray was interpreted by another radiologist whose interpretation was as follows:

*The distal tip overlies the medial aspect of the aortic arch. Correlation with clinical history and examination of the mediport is recommended to exclude the possibility of an intraarterial positioning.*

Additional studies were ordered leading to a conclusion that the mediport tip was malpositioned. The mediport was then surgically removed.

7. Respondent failed to interpret the March 6, 2015, chest x-ray as demonstrating arterial placement of Patient A's mediport.

#### 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 L. Olson, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(b) by departing from or failing to conform to the standard of minimally competent medical practice which creates an unacceptable risk of harm to a patient or the public whether or not the act or omission resulted in actual harm to any person.

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

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent David L. Olson, M.D., is REPRIMANDED.

3. Within 90 days from the date of this Order, David L. Olson, M.D., shall pay COSTS of this matter in the amount of \$800.47.

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. 23834-20) 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: T. Westlake MD  
A Member of the Board

10/19/16  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DAVID L. OLSON, M.D.,  
RESPONDENT.

STIPULATION

0004976

Division of Legal Services and Compliance Case No. 15 MED 177

Respondent David L. Olson, 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 Douglas S. Knott.

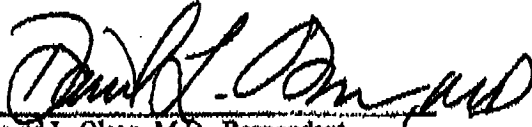
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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.



David L. Olson, M.D., Respondent  
Milwaukee Radiologists, Ltd., S.C.  
P.O. Box 20859  
Milwaukee, WI 53220-0859  
License no. 23834-20

10/6/16  
Date



Douglas S. Knott, Attorney for Respondent  
Leib, Knott, Gaynor, LLC  
219 N. Milwaukee Street, Suite 710  
Milwaukee, WI 53202

10/7/16  
Date



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

10/07/16  
Date