

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
ANGUS MARSHALL, M.D., :
RESPONDENT. : **0005701**

Division of Legal Services and Compliance Case No. 16 MED 264

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

Angus Marshall, M.D.
700 West Avenue South
La Crosse, WI 54601

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 Angus Marshall, M.D. (DOB March 10, 1959), is licensed by the State of Wisconsin to practice medicine and surgery, having license number 38773-20, first issued on May 23, 1997, with registration current through October 31, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 700 West Avenue South, La Crosse, Wisconsin 54601.

2. At all times pertinent to this matter, Respondent practiced radiology.

3. In June 2009, Patient A, a female born in 1973, underwent a right L5-S1 diskectomy surgery due to back and right-lower extremity pain. Post-operatively she continued to complain of some back pain and right sciatica.

4. On August 4, 2009, an MRI of Patient A's lumbar spine was performed which showed post-operative changes with no evidence of recurrent herniated disk or new pathology. Of the options offered Patient A by her spine surgeon, she opted for an epidural steroid injection. The spine surgeon entered orders for the following:

NERVE ROOT INJECTION, MARSHALL TO DO, RIGHT S1 RADICULITIS INJECTION OR RIGHT S1 NERVE ROOT, ROUTINE, WALK

5. On August 14, 2009, Patient A presented to Respondent. Respondent's procedure note documented the ordering physician's indication of "nerve root injection, ... right S1 radiculitis, injection of right S."

6. Prior to the injection, Respondent described the procedure to Patient A, advised her of its purpose and the risks associated with it.

7. At the conclusion of his discussion with Patient A, Respondent performed the procedure on Patient A's left side.

8. Patient A did not give Respondent informed consent to perform a nerve root injection on her left side.

9. Following the procedure, Patient A was notified by telephone that the procedure was performed at the wrong site, and was offered the intended injection at no additional charge.

10. Respondent has taken steps in his practice to ensure this does not happen again.

11. 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 Angus Marshall, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(h)¹ by engaging in any practice or conduct which tends to constitute a danger to the health, welfare, or safety of patient or public.

¹ All code and statutory citations are to the version in effect at the time of conduct at issue.

3. By performing the injection at the wrong anatomical site, Respondent Angus Marshall, M.D., violated Wis. Stat. § 448.30, which constitutes unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(b) - violating any provision or term of Ch. 448, Stats., or of any valid rule of the board.

4. As a result of the above conduct, Angus Marshall, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Angus Marshall, M.D., is REPRIMANDED.

3. Within 90 days from the date of this Order, Angus Marshall, M.D., shall pay COSTS of this matter in the amount of \$600.00.

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:

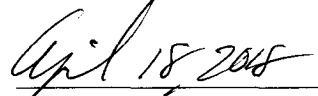
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. In the event Respondent violates any term of this Order, Respondent's license (no. 38773-20), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

ANGUS MARSHALL, M.D.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0005701

Division of Legal Services and Compliance Case No. 16 MED 264

Respondent Angus Marshall, 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 Erik Monson.

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.

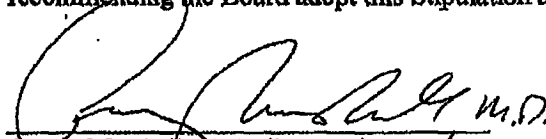
Stipulation
In the matter of disciplinary proceedings against
Angus Marshall, M.D., Case No. 16 MED 264

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.

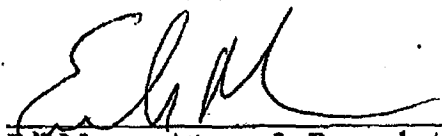
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



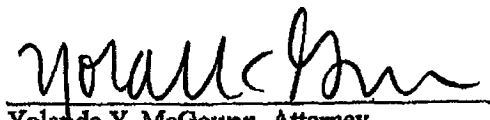
Angus Marshall, M.D., Respondent
700 West Avenue South
La Crosse, WI 54601
License no. 38773-20

3/26/2018
Date



Erik Monson, Attorney for Respondent
Coyne, Schultz, Becker, & Bauer, S.C.
150 E. Gilman Street, Suite 1000
Madison, WI 53703

3/30/18
Date



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

4/2/18
Date