

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

ERIC R. WOHLFEIL, M.D.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0005999

Division of Legal Services and Compliance Case No. 17 MED 010

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

Eric R. Wohlfeil, M.D.
N64W35053 Road J
Oconomowoc, WI 53066

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Department of Safety and Professional Services
Division of Legal Services and Compliance
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 Eric R. Wohlfeil, M.D. (DOB August 18, 1960) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 34187-20 first issued on March 25, 1993 and current through October 31, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) for Respondent is N64W35053 Road J, Oconomowoc, Wisconsin 53066.
2. At all times relevant hereto, Respondent practiced cardiothoracic anesthesiology.
3. On October 17, 2016, Respondent provided anesthesia care during an aortic valve replacement surgery on Patient A, a male born in 1972.

4. During the October 17, 2016 surgery on Patient A, Respondent's responsibilities included acquiring, monitoring and interpreting intra-operative imaging studies, including cardiac ultrasound, transthoracic and transesophageal echocardiograms of Patient A.

5. At the conclusion of the October 17, 2016 surgery, Patient A experienced complications coming off the bypass machine, and was transferred to an intensive care unit.

6. While in intensive care, Patient A's condition deteriorated and he was transferred to a higher-level care facility.

7. At the higher-level care facility, Patient A underwent a second operation by another surgeon which revealed a large leak in Patient A's mitral valve and a compromised bioprosthetic valve.

8. Patient A remained hospitalized with post-surgical complications until his death on December 24, 2016.

9. Respondent failed to adequately monitor and/or interpret intra- and post-operative imaging studies reflecting abnormalities in Patient A's heart and blood flow.

10. Respondent denies he engaged in unprofessional conduct and contends that his treatment was within the standard of care, but in order to settle this matter and avoid the expense and uncertainty of litigation, he consents to entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over 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 engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(b) (Oct. 2013) 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, Respondent Eric R. Wohlfeil, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The Stipulation of the parties is accepted.

2. Respondent Eric R. Wohlfeil, M.D., is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Eric R. Wohlfeil, M.D., shall pay COSTS of this matter in the amount of \$1,600.00.

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 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

They may also be submitted online via the Department's Monitoring Case Management System at <https://app.wi.gov/DSPSMonitoring>

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and the Board may, in its discretion, impose additional conditions and limitations or other additional discipline, as it deems appropriate.

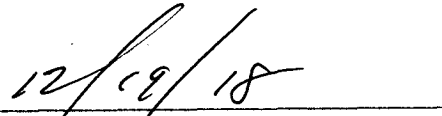
6. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By:


A Member of the Board

Date


Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ERIC R. WOHLFEIL, M.D.,
RESPONDENT.

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STIPULATION

0005999

Division of Legal Services and Compliance Case No. 17 MED 010

Respondent Eric R. Wohlfeil, 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 Michael Johnson.


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.

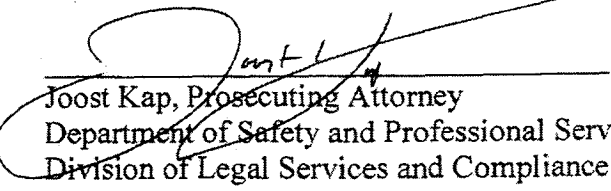
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Eric R. Wohlfeil, M.D.
N64W35053 Road J
Oconomowoc, WI 53066
License no. 34187-20

12-12-18
Date


Michael Johnson, Attorney for Respondent
Otjen, Gendelman, Zitzer, Johnson & Weir, S.C.
20935 Swenson Drive, Suite 310
Waukesha, WI 53186

12/12/18
Date


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

12/13/18
Date