

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/wscga>

- 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 THE DISCIPLINARY
PROCEEDINGS AGAINST

JOHN J. KELEMEN, M.D.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0006000

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:

John J. Kelemen, M.D.
477 Cooper Road, Ste. 200
Westerville, OH 43081

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 John J. Kelemen, M.D (DOB December 15, 1963), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 34064-20, first issued on February 24, 1993, 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 477 Cooper Road, Ste. 200, Westerville, Ohio 43081.
2. Respondent is a cardiothoracic surgeon who now resides and practices in Ohio.
3. On October 17, 2016, Respondent performed aortic valve replacement surgery on Patient A, a male born in 1972. Patient A had a bioprosthetic aortic valve previously placed approximately ten years prior.

4. During surgery, after removing the old valve, Respondent placed sutures to reinforce tissue surrounding the area of the new valve implant.

5. At the conclusion of the operation, Patient A experienced complications coming off the bypass machine, and was transferred to the intensive care unit.

6. While in intensive care, Patient A's condition deteriorated and Respondent ultimately arranged for transfer to a higher level care facility where Patient A underwent a second operation by another provider.

7. The second operation revealed a failed repair which had caused a large leak in Patient A's mitral valve and compromised the bioprosthetic replacement valve Respondent implanted.

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

9. During surgery, Respondent failed to adequately repair an identified weakness in Patient A's heart and the repair subsequently failed.

10. After the surgery, Respondent failed to consider and/or timely identify the failed repair as the likely cause of Patient A's post-operative complications and failed to timely take appropriate measures to address them.

11. Since the October 17, 2016 surgery, Respondent has completed 107.75 AMA PRA Category 1 credits in the area of cardiothoracic surgery, including 34 credits specifically on aortic heart valves.

12. Respondent denies he engaged in unprofessional conduct, but in order to resolve this matter consents to the 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 John J. Kelemen M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The Stipulation of the parties is accepted.
2. Respondent John J. Kelemen, M.D., is REPRIMANDED.
3. The Board accepts the education Respondent already completed as satisfying the education it would have otherwise ordered. Eight (8) hours of the education previously completed may not be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.
4. Within ninety (90) days from the date of this Order, John J. Kelemen, M.D., shall pay COSTS of this matter in the amount of \$1,600.00.
5. 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>

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

WISCONSIN MEDICAL EXAMINING BOARD

By:


A Member of the Board

Date


12/19/18

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN J. KELEMEN, M.D.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

00060 06

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

Respondent John J. Kelemen, 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 James R. Gutglass.

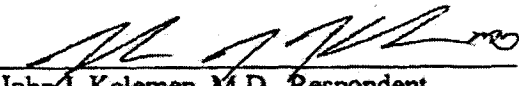
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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

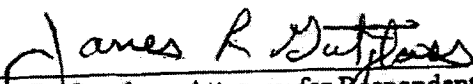
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's 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.

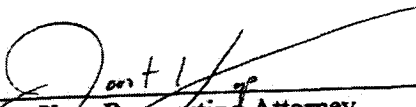
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


John J. Kelemen, M.D., Respondent
477 Cooper Road, Ste. 200
Westerville, OH 43081
License no. 34064-20

12/07/2018
Date


James R. Gutglass, Attorney for Respondent
Gutglass, Erickson, Bonville & Larson, S.C.
735 North Water Street, Ste. 1400
Milwaukee, WI 53202

12-10-18
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

12/11/18
Date