

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
CHRISTOPHER RUPP, M.D., :
RESPONDENT. : **ORDER 0006352**

Division of Legal Services and Compliance Case No. 17 MED 423

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

Christopher Rupp, M.D.
Prevea Health
1715 Dousman Street
P.O. Box 19070
Green Bay, WI 54307-9070

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 Christopher Rupp, M.D., (DOB July 3, 1974), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 57691-20, first issued on September 18, 2012, 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 1715 Dousman Street, P.O. Box 19070, Green Bay, Wisconsin 54307-9070.

2. On January 4, 2017, Respondent first saw Patient A, a male born in 1960, for consultation regarding a right inguinal hernia.

3. Patient A presented with a medical history including, *inter alia*, Stage V chronic kidney disease with acute kidney failure, chronic renal insufficiency, anemia, and diabetic nephropathy.

4. Respondent examined Patient A, reviewed his medical history, and recommended a laparoscopic right inguinal herniorrhaphy with mesh. Respondent's charting of the visit states that Patient A was "at slightly increased risk over a normal individual because of his medical comorbidities and past problems" but Patient A's medical problems were not contraindications to the proposed surgery.

5. On January 19, 2017, the day of surgery, Respondent ordered blood glucose and potassium level testing, but otherwise no pre-operative labs in light of recent testing within acceptable ranges. He then proceeded to perform a laparoscopic right inguinal herniorrhaphy on Patient A and discharged him later in the day per standard post-operative protocol.

6. On January 20 and 21, 2017, Patient A was at home and experienced light-headedness, fatigue and loss of consciousness, which were not reported to Respondent.

7. On January 21, 2017, Patient A was transported via ambulance to a hospital where he was placed on a ventilator and tests showed his hemoglobin level was decreased. He was transferred to a higher-level care facility for emergent dialysis but was found to have no brain stem activity except for respiratory functions.

8. On January 25, 2017, Patient A was declared brain dead and life support measures were stopped. Patient A's death certificate identified the immediate cause of death as anoxic brain injury and chronic kidney disease and anemia as other significant conditions.

9. Respondent denies any causal link between his care and treatment of Patient A and Patient A's death, and the Board has made no such finding.

10. Respondent failed to do an adequate pre-surgical work-up, specifically by declining additional laboratory analysis, considering Patient A's presentation which included chronic kidney disease and anemia.

11. Respondent denies any wrongdoing but in order to resolve this matter he consents to 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 Christopher Rupp, 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, Christopher Rupp, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Christopher Rupp, M.D., is REPRIMANDED.
3. The medicine and surgery license issued to Christopher Rupp, M.D., (license number 57691-20) is LIMITED as follows:
 - a. Within nine (9) months of the date of this Order, Respondent shall successfully complete ten (10) credits of education on the topic of pre-surgical evaluation.
 - b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course(s) descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Wisconsin Medical Examining Board, or its designee, prior to commencement of the course(s).
 - c. The Board or its designee may reject any course(s) and may accept a course(s) for less than the number of hours for which Respondent seeks approval.
 - d. Within thirty (30) days of completion of each educational component, Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
 - e. Respondent is responsible for all costs associated with compliance with this educational requirement.
 - f. None of the education completed pursuant to this requirement may 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, Christopher Rupp, M.D., shall pay COSTS of this matter in the amount of \$970.00.
5. Proof of successful course completion and 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

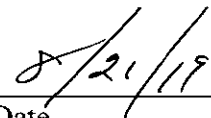
They may also be submitted online via the Department's Monitoring Case Management System at <https://app.wi.gov/DSPSMonitoring>

6. In the event Respondent violates any term of this Order, Respondent's license (no. 57691-20), 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.

7. 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

CHRISTOPHER RUPP, M.D.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0006352

Division of Legal Services and Compliance Case No. 17 MED 423

Respondent Christopher Rupp, 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 Sean Gaynor.

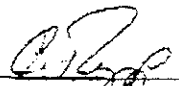
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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

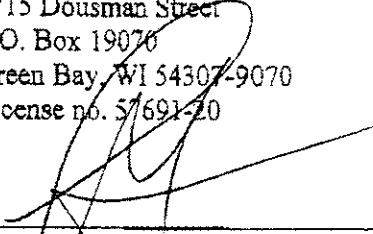
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



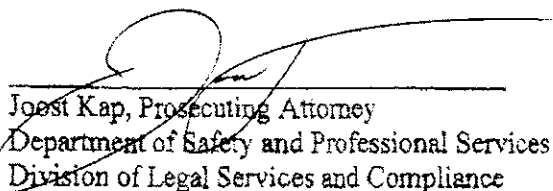
Christopher Rupp, M.D., Respondent
Prevea Health
1715 Dousman Street
P.O. Box 19070
Green Bay, WI 54307-9070
License no. 57691-20

8/9/19
Date



Sean Gaynor, Attorney for Respondent
Leib/Knott Gaynor
219 North Milwaukee St., Ste. 710
Milwaukee, WI 53202

8/9/19
Date



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

8/9/19
Date