

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

JESSICA H. VARNAM, M.D.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0006620
:

Division of Legal Services and Compliance Case No. 18 MED 011

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

Jessica H. Varnam, M.D.
Lancaster, WI 53813

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 Jessica H. Varnam, M.D. (DOB xx-xx-1982), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 55674-20, first issued on April 21, 2011, with registration current through October 31, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 705 E. Elm Street, Lancaster, Wisconsin 53813.

2. Respondent is a board-certified family practice physician trained and practicing obstetrics.

3. On May 15, 2012, Respondent saw Patient A for a scheduled prenatal visit at 38 weeks, 2 days gestation. Respondent admitted Patient A to the hospital to commence induction as Patient A's pregnancy was complicated with hypertension and proteinuria.
4. For induction, Patient A consented to the use of Cytotec and signed a written consent form allowing insertion of a maximum dose of 50 mcg Cytotec vaginally.
5. During induction, Respondent vaginally administered a single 100 mcg dose of Cytotec to Patient A after discussion with Patient A of her desire to avoid Pitocin, which had caused difficulties for Patient A in a prior delivery.
6. Patient A experienced tachysystole and fetal tachycardia which Respondent attempted to address with Terbutaline, oxygen and maternal repositioning.
7. As Patient A's labor progressed, the external fetal heart monitor had difficulty detecting the fetal heartbeat. Respondent placed an internal fetal heart monitor which showed the fetal heart rate was bradycardic. Respondent instructed Patient A to push in an effort to deliver the infant vaginally. When that attempt failed, Respondent called for an emergency c-section.
8. Patient A's infant crowned and was delivered by vacuum before the emergency c-section could be performed. Patient A's infant was delivered but suffered extensive neurological injuries.
9. Respondent fell below minimal competency standards by inserting 100 mcg Cytotec vaginally.
10. Respondent fell below minimal competency standards by failing to recognize and address tachysystole and failing to call for a c-section earlier.
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 Jessica H. Varnam, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(h) (Sept. 2009) by engaging in any practice or conduct which tends to constitute a danger to the health, welfare, or safety of patient or public¹.

¹ Wisconsin Administrative Code sections citations are to the version in effect at the time of the conduct at issue.

3. As a result of the above conduct, Jessica H. Varnam, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Jessica H. Varnam, M.D., is REPRIMANDED.
3. The medicine and surgery license issued to Jessica H. Varnam, M.D., (license number 55674-20) is LIMITED as follows:
 - a. Within nine (9) months of the date of this Order, Respondent shall successfully complete a total of ten (10) hours of in-person continuing education credits in the area of intrapartum management to include coursework on induction.
 - i. The sixteen (16) hour *21st Annual Conference on Fetal Monitoring* sponsored by the Symposia Medicus that will be held on April 2-4, 2020, in Las Vegas, Nevada, has been pre-approved and meets the above continuing education requirement.
 - ii. Within thirty (30) days of completion of the continuing education course, 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.
 - iii. Respondent is responsible for all costs associated with compliance with this educational requirement.
 - iv. 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.
 - b. For a period of at least one (1) year, Respondent shall practice obstetrics only under the oversight of a Professional Mentor approved by the Board.
 - i. The Respondent is responsible for obtaining a Professional Mentor acceptable to the Board. A Professional Mentor shall have no prior or current business or personal relationship with Respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Department (including but not limited to any bartering relationship, mutual referral of patients, etc.). The Professional Mentor shall be a board-

certified obstetrician/gynecologist, licensed to practice medicine and surgery in the state of Wisconsin and shall have read this Final Decision & Order and agree to be Respondent's Professional Mentor. The following Professional Mentor is pre-approved:

Krynn K. Buckley-Pechous, M.D.
Grant Regional Health Center
Lancaster, Wisconsin

- ii. Oversight by the Professional Mentor shall include monthly meetings, review of all of Respondent's obstetrical patient charts, including all labor and delivery records and fetal monitor tracings, and any other actions deemed appropriate by the Professional Mentor to determine that Respondent is practicing in a professional and competent manner.
- iii. Respondent shall arrange for the Professional Mentor to provide formal written reports to the Department Monitor on a quarterly basis, or as directed by the Department Monitor. These reports shall assess Respondent's work performance and management of obstetrical patients including induction of labor and intrapartum management.
- iv. Respondent's Professional Mentor shall immediately report to the Department Monitor and the Respondent's Supervising Health Care Provider any conduct or condition of the Respondent which may constitute unprofessional conduct, a violation of this Order, or a danger to the public or patient. If a report indicates poor performance, the Board may institute appropriate corrective limitations, including a suspension, in its discretion.
- v. After one (1) year, Respondent may petition the Board for return of full licensure. The Board shall grant full licensure upon demonstration by Respondent of compliance with this Order, including submission of quarterly reports demonstrating satisfactory work performance and management of obstetrical patients, including induction of labor and intrapartum management, by Respondent for a period of one (1) year.

4. Within ninety (90) days from the date of this Order, Jessica H. Varnam, M.D., shall pay COSTS of this matter in the amount of \$1456.00.

5. Request for approval of courses, proof of successful course completion, reports 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

You may also submit this information online via DSPTS' Monitoring Case Management System, here: <https://app.wi.gov/DSPSMonitoring>

6. In the event Respondent violates any term of this Order, Respondent's license (no. 55674-20), or Respondent's right to renew her 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.

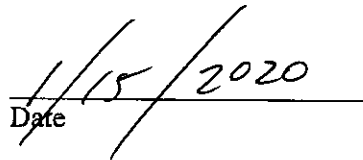
7. This Order is effective on the date of its signing.

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

JESSICA H. VARNAM, M.D.,
RESPONDENT.

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STIPULATION

ORDER 0006620

Division of Legal Services and Compliance Case No. 18 MED 011

Respondent Jessica H. Varnam, 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 Samuel J. Leib.

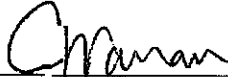
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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



Jessica H. Arnam, M.D., Respondent
Lancaster, WI 53813
License no. 55674-20

12/19/19

Date

/s/ Samuel J. Leib

Samuel J. Leib, Attorney for Respondent
Leib, Knott, Gaynor, LLC
219 N. Milwaukee St., Ste 710
Milwaukee, WI 53202

12/23/19

Date



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

1/2/2020

Date